

Section 22-125 Table of Permissible Uses										
Table Legend: P=Permitted PC=Permitted with Conditions SE=Special Exception SC=Special Exception with Conditions										
USES DESCRIPTION (Reference to Supplemental Use Regulations)	R-1	R-2	R-3	R-4	MH-1	CC-1	CG-2	1-1	RMX*	BP*
1.00.000 AGRICULTURAL USES										
1.01.0 Open-air markets, Farm and Craft Markets, Agricultural Horticultural sales with outdoor display, Home and Garden Shop						P	P	P		
1.02.000 Commercial greenhouse operation								P		P
2.00.000 MARINE USES										
2.01.000 Marina, including boat sales and repair and boat rental including sailboards and jet skis						P	P	P	SE	P
2.04.000 Seafood Processing										
2.04.100 Seafood processing and seafood operations with products raised or harvested off-site						SE	SE	P		
2.04.200 Seafood processing and seafood operations with products raised on the premises								P		
3.00.000 RESIDENTIAL USES										
3.01.000 Single-Family Residence										
3.01.100 Single Family, Detached	P	P	P	P					P	
3.01.200 Class A Mobile Home (See Section 22-136)						PC				
3.01.300 Class B Mobile Home (See Section 22-136)						PC				
3.01.400 Duplex		P	P	P					P	
3.01.500 Primary Residence with Accessory Apartment (See Section 22-140)		PC	PC	PC					PC	
3.02.000 Multi-Family Residence										
3.02.100 Multi-Family (See Section 22-144)				PC					PC	
3.02.200 Townhouse (See Section 22-145)				P					PC	
3.02.300 Commercial Apartment						SE	SE		P	SE
3.02.400 Multi-Family Conversion (See Section 22-143)				PC						
3.03.000 Homes Emphasizing Special Services, Treatment, or Supervision and Residential Elderly Care Home										

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3.03.100 Group Homes for not more than 8 persons (See Section 22-133)				SC					SC	
3.03.200 Day Care										
3.03.210 Child or Elderly Day Care Home (having fewer than 7 care recipients)	P	P	P	P	P	P	P		P	P
3.03.220 Child or Elderly Day Care Center (between 7 and 30) (See Section 22-129)				SC					SC	P
3.03.230 Child/Elderly Day Care Center			SC			P	P			
3.03.400 Nursing/Elderly Care Homes										
3.03.410 Nursing/Elderly Care Homes, 1-8 people (See Section 22-138)	PC	PC	PC	PC					P	
3.03.420 Nursing/Elderly Care Homes, 9 people and above (See Section 22-138)	SC		SC	PC	P	P			SC	P
3.03.500 Retirement Housing Complex				SE					P	
3.04.100 Boardinghouses, Bed and Breakfast, Country Inns (See Section 22-128)			SC	SC		SC	SC		SC	
3.04.200 Hotels and Motels (See Section 22-135)						PC	PC		PC	PC
4.00.000 INSTITUTIONAL/UTILITIES/RECREATION USES										
4.01.000 Educational, cultural, religious, philanthropic, social, fraternal uses										
4.01.100 Schools										
4.01.110 Private elementary and secondary (including pre-school, kindergarten, associated grounds, and athletic, and other facilities)		SE	SE	SE		P	P		P	P
4.01.120 Trade or vocational schools						P	P	P	SE	P
4.01.130 Private colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)						SE	SE		P	P
4.01.200 Churches, synagogues, and temples and associated buildings,	P	P	P	P	P	P	P	P	P	P

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not including elementary or secondary school buildings										
4.01.300 Private libraries, museums, art centers, and similar uses (including associated educational and instructional activities)						P	P	P	P	P
4.01.400 Social, fraternal clubs and lodges, union halls; meeting halls and similar uses			SE	SE		P	P	P	P	P
4.02.000 Recreation, Amusement, Entertainment										
4.02.100 Activity conducted entirely within building or substantial structure										
4.02.110 Indoor recreation. For example, bowling alleys, skating rinks, indoor tennis and squash courts, billiard and pool halls, rifle and pistol ranges, indoor athletic and exercise facilities and similar uses, not part of a residential project						P	P	P	P	P
4.02.120 Movie theatres, theatres										
4.02.120.1 Sexually Oriented Business (T.C. 15-1)							P			
4.02.121 Seating capacity of not more than 300						P	P	P	P	P
4.02.122 Seating capacity up to 1,000							P			P
4.02.130 Coliseums, stadiums							SE			SE
4.02.200 Activity conducted primarily outside enclosed buildings or structures										
4.02.210 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, not constructed pursuant to permit authorizing the construction of some residential development						P	P	P	P	P
4.02.220 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, approved as part of a residential development (See Section 22-131)				PC					PC	
4.02.230 Golf driving ranges not accessory to golf courses, par 3 golf courses, miniature golf courses, skateboard parks, water slides, batting						PC	PC	PC		PC

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cages, and similar uses (See Section 22-132)										
4.03.000 Institutional residence or care or confinement facilities										
4.03.100 Hospitals and other inpatient medical (including mental health treatment facilities)						P	P	P	P	P
4.04.000 Fire stations, rescue squad, and/or ambulance service	SE	SE	SE	SE	SE	P	P	P	P	P
4.05.000 Miscellaneous public and semi-public facilities										
4.05.100 Post Office										
4.05.110 Local	SE	SE	SE	SE		P	P	P	P	P
4.05.120 Regional						P	P	P	P	P
4.05.200 Airport/Air Park, private use								P		
4.05.300 Helicopter facilities-heliports and helistops						SE	SE	PC		SE
4.06.000 Public Utilities (including towers and related structures)										
4.06.100 Neighborhood Essential Service	P	P	P	P	P	P	P	P	P	P
4.06.200 Public utility buildings and structures (See Section 22-141)	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC
4.06.300 Antennas and Towers more than 50 feet tall (See Sec. 22-127)	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC
4.06.400 Antennas and towers 50 feet tall or less	P	P	P	P	P	P	P	P	P	P
4.07.000 Satellite Dish	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
4.08.000 Cemetery and Crematorium (Municipal)	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
4.09.000 Transportation										
4.09.100 Bus Station						P	P	P	P	P
4.09.200 Park and ride facilities						P	P	P	P	P
5.00.000 SERVICE ORIENTED COMMERCIAL USES										
5.01.000 All operations conducted entirely within fully enclosed building										
5.01.100 Operations designed to attract and serve customers or clients on the premises										
5.01.110 Tattoo Parlors and Schools – Body Piercing (22-147.1)							SE			
5.01.111 General offices (examples are attorneys, architects, engineers,						P	P	P	P	P

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insurance and stock brokers, travel agents, government office buildings,
real estate, etc.

5.01.112 Personal Services						P	P		P	P
5.01.113 Dry cleaning/laundry and Laundromats						P	P	P	P	P
5.01.114 Banks and financial institutions						P	P		P	P
5.01.115 Business services						P	P	P	P	P
5.01.116 Professional office		SE	SE	SE						
5.01.117 Home Occupation (See Section 22-134)	SC	SC	SC	SC	SC				SC	
5.01.118 Printing and Publishing						P	P	P		P
5.02.000 Operations conducted within and/or outside fully enclosed building										
5.02.100 Construction services and supplies							P	P		P
5.02.200 Funeral homes, cemetery						P	P			P
5.02.300 Animal Boarding Places-Kennels, Veterinarians and Veterinary hospitals (See Section 22-126)						SC	SC			SC

6.00.000 COMMERCIAL USES

6.01.000 Commercial sales and rental of goods, merchandise, and equipment

6.01.100 Retail sales

6.01.110 Convenience stores						P	P		P	
6.01.111 Retail Stores and Shops						P	P		P	
6.01.112 Pet shops (See Section 22-139)						PC	PC		PC	
6.01.113 Antique Shops, Art Galleries						P	P		P	
6.01.114 Retail establishments in Office Buildings (See Sec. 22-141)						PC	PC		PC	
6.01.200 Wholesale sales						P	P	P	P	P
6.01.300 Flea or Open Markets (See Section 22-130)						SC	SC	SC		
6.02.000 Restaurant, standard, fast food, bars, nightclubs, dinner theaters						P	P	SC	P	P

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6.03.000 Motor vehicle-related and service operations										
6.03.100 Motor vehicle sales or rental; mobile home sales, farm equipment							P	P		P
6.03.200 Motor vehicle repair and maintenance, fuel sales, car wash, vehicle painting, auto-body work, parts, sales, and installation						P	P	P		P
7.00.000 INDUSTRIAL USES										
7.01.000 Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise, and equipment										
7.01.100 Bakery, printing publishing, dry cleaning plants, electronic assembly								P		
7.01.200 Blacksmith shops, welding shops, ornamental iron works, machine shops (excluding drop hammers and punch presses over 20 tons rated capacity), and sheet metal shop							P	P		
7.01.210 Shop for furniture construction							SC			
7.01.300 Bottling, confectionary, food products except fish and meat, sauerkraut, vinegar, yeast or the rendering fats and oils								P		
7.01.400 Saw mills								P		
7.01.500 Alcoholic beverage manufacturing								P		
7.01.600 Winery								P		
7.01.700 Fertilizer mixing plants								P		
7.01.800 Brick or block manufacturing								P		
7.01.900 Asphalt plants/concrete plants, sand and gravel washing, screening, crushing								P		
7.02.000 Storage and parking										
7.02.100 Automobile parking garages or parking lots not located on a lot on which there is another principal use to which the parking is related						P	P	P		P

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7.02.200 Storage of goods not related to sale or use of those goods on the same lot where they are stored (warehousing)

7.02.210 All storage within completely enclosed structures

P P P P

7.02.220 Warehouse storage inside or outside completely enclosed structures

P

7.02.230 Mini-warehouse (See Section 22-137)

SC PC

7.02.240 Storage of petroleum products

SE

7.02.300 Parking of vehicles or storage of equipment outside enclosed structures where: (i) vehicles or equipment are owned and used by the person making use of the lot and (ii) parking or storage occupies more than 75 percent of the developed area (contractor's yard)

SE P SE

7.03.000 Research facilities, Laboratories

SE SE P P

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ARTICLE XI SUPPLEMENTARY USE REGULATIONS

This Article contains regulations for specific uses that supplement the requirements found in other articles of this Ordinance. The following specific supplementary use regulations are applicable to both specific uses permitted by right and to uses permitted by special exception as indicated in Article X and in the Table of Permissible Uses.

Section 22-126. Animal Boarding Places - Kennels and Veterinary Hospitals (5.02.300)

The Board of Zoning Appeals may permit a kennel, veterinary hospital or animal boarding place as a Special Exception in the CC-1, CG-2 and BP Districts, provided that an animal boarding place shall be located only on a lot having an area of two acres and not within 150 feet from any dwelling other than the house of the owner or person in control of the boarding place. The Board of Zoning Appeals may increase the standard herein provided and add others when it is deemed necessary in order to protect the health and safety of residents and workers on adjoining properties and in the general neighborhood.

Section 22-127. Antenna or Tower - greater than 50 feet in height and associated substation (4.06.300)

The Board of Zoning Appeals may permit an antenna or tower greater than 50 feet in height and associated substations (e.g., radio, television, microwave broadcasting, etc.) as a Special Exception in any District, provided:

- a. All structures shall be located at least 200 feet from an existing dwelling.
- b. A minimum 10-foot wide landscape strip shall be required and maintained around all property lines exterior to any fence or wall.
- c. Any proposed broadcasting tower shall have a setback of one foot from all property lines for every foot of height of the tower, provided that any broadcasting tower lawfully existing prior to the effective date of this Ordinance shall be exempt from the setback limitations imposed by this subsection and may be continued, structurally altered, reconstructed, or enlarged provided that no structural change, repair, addition, alteration, or reconstruction shall result in increasing the height of such tower above the then existing structurally designed height.

Section 22-128. Boardinghouses, Bed and Breakfasts, Country Inns (3.04.100)

The Board of Zoning Appeals may permit the use, of a one-family dwelling for a boardinghouse, bed and breakfast, or country inn as a Special Exception in the, R-3, R-4, CC-1, CG-2 and RMX Districts, upon a finding that such establishments will not constitute a nuisance because of sidewalk or street traffic, noise, or type of physical activity, and that such use will not tend to affect adversely the use and development of adjoining properties in the immediate neighborhood. Such establishments are subject to the following criteria:

- a. The establishment shall be located on a state-maintained road with direct access to the state-maintained road. Direct access shall mean an entrance located on the same property as the establishment.
- b. The driveway entrance onto the state-maintained road shall meet VDOT standards.

- c. One off-street parking space shall be provided for each guest room and shall be located at the rear of the site. All parking areas shall be located at least 50 feet from any adjacent residentially zoned property or shall be adequately screened.
- d. The establishment shall be owner/manager occupied and managed
- e. Accessory commercial activities such as weddings, graduation, and similar parties are allowed only if included as part of the special exception application.
- f. Facilities for dining shall be in the location customarily used by a single family in the structure.
- g. No separate kitchen or dining facilities shall be provided.

Section 22-129. Child or Elderly Day Care Centers (3.03.220)

The Board of Zoning Appeals may permit a child or elderly day care center serving between seven (7) and thirty care recipients (30) as a Special Exception in the R-3, R-4 and RMX Districts provided:

- a. A site plan is submitted showing existing or proposed building(s), play area(s), fencing, parking, ingress and egress.
- b. The applicant shall demonstrate compliance with all requirements of the State and/or local health department for family/group care.
- c. The Board of Zoning Appeals may prescribe specific conditions determined necessary to minimize effects of the proposed use on neighboring properties given identification of concerns specific to a particular site.
- d. The applicant shall provide 100 square feet of usable outdoor recreation area for each child that may use this space at any one time. Such usable outdoor recreation area shall be identified on the site plan and shall be sufficiently buffered from adjacent residential area. Usable outdoor recreation areas shall be limited to the side and rear yard of the property. Recreational areas shall not include the required front yard of the property or any off-street parking areas.

Section 22-130. Flea or Open Air Market (6.01.300)

The Board of Appeals may permit a flea or open air market as a Special Exception in the in the CC-1, CG-2 and RMX Districts provided:

- a. Any permanent structure for the display and sale of products shall be no larger than 3,000 square feet.
- b. Buildings shall maintain the front yard setback for the District in which it is located.
- c. Exits and entrances shall be provided which shall be at least two hundred (200) feet from all intersections.
- d. A minimum of three (3) off-street parking spaces and one (1) space per 300 square feet of building area over 900 square feet shall be provided.

- e. A minimum of one (1) self-contained privy shall be maintained on the site while the operation is in use.
- f. No temporary structure shall be permitted for a period exceeding three (3) years, subject to renewal.

Section 22-131. Golf Courses and Country Clubs (4.02.220)

Golf course, country club, private club, or service organization including community buildings shall be permitted in the R-4 and RMX Districts provided such use will not adversely affect surrounding residential uses because of noise, traffic, number of people, or type of physical activity, and provided that the following standards and requirements can be met:

- a. The provision of food, refreshments, and entertainment for club or organization members and their guests may be allowed in connection with such use, provided the availability of such services is not reasonably expected to draw an excessive amount of traffic through local residential streets.
- b. All buildings shall conform to the height, coverage, and setback regulations of the District in which they are located, and all facilities shall be so located as to conform to other special exception standards.
- c. All outdoor lighting shall be located, shielded, landscaped, or otherwise buffered so that no direct light shall constitute an intrusion into any residential area.
- d. A minimum 100-foot setback for all buildings and parking areas shall be provided adjacent to single-family dwelling districts or uses.
- e. Vehicular access shall be derived from an arterial street.
- f. Twenty parking spaces shall be provided per nine holes and one space per 500 square feet of club floor area.
- g. A minimum 50-foot buffer meeting the plant unit requirements for Bufferyard E (see Appendix E) shall be provided adjacent to the clubhouse/office and parking areas when said facilities are located adjacent to single-family dwelling districts or uses.
- h. A minimum 25-foot buffer meeting the plant unit requirements of Buffer D (see Appendix E) shall be provided adjoining single-family zoning or uses not part of the golf course development.
- i. Off-street parking and loading areas, tennis courts, golf tees, and maintenance facilities may require additional screening as determined by the Zoning Administrator.

Section 22-132. Golf Driving Ranges, Par 3 Golf and Miniature Golf Courses, Skateboard Parks, Waterslides, Batting Cages, and Similar Uses (4.02.230)

Golf Driving Ranges, Par 3 Golf and Miniature Golf Courses, Skateboard Parks, Waterslides, Batting Cages, and similar uses shall be permitted in the CC-1, CG-1, I-1 and B-P Districts provided:

- a. The provision of food and refreshments may be allowed in connection with such use, provided the

availability of such services is not reasonably expected to draw an excessive amount of traffic through local residential streets.

- b. All outdoor lighting shall be located, shielded, landscaped, or otherwise buffered so that no direct light shall constitute an intrusion into any residential area.
- c. A minimum 100-foot setback for all buildings and parking areas shall be provided adjacent to residential districts or uses.
- d. Vehicular access shall be derived from an arterial street.
- e. A bufferyard meeting Bufferyard Standard C in Appendix B shall be provided adjacent to the pro-shop/office and parking areas when said facilities are located adjacent to residential districts.
- f. A bufferyard meeting the C standard in Appendix B shall be provided adjoining residential districts not part of the golf course development.
- g. Off-street parking and loading areas, golf tees, and maintenance facilities shall be screened by a bufferyard meeting the B standard in Appendix B at a minimum.
- h. Driving range shall be located at least 300 feet from any residential or commercial property line or right-of-way line of any road.

Section 22-133. Group Residential Facility for Housing Exceptional People (3.03.100)

- a. The Board of Zoning Appeals may permit a new group residential facility for housing exceptional people as a Special Exception in the R-4 and RMX District upon a finding:
 - 1. That such use will not constitute a nuisance because of noise, vehicle traffic or parking, number of residents, or any other type of physical activity;
 - 2. That such use will not, when considered in combination with other existing group homes in the neighborhood, result in an excessive concentration of similar uses in the same general neighborhood of the proposed use;
 - 3. That any property to be used for a group residential facility is of sufficient size to accommodate the proposed number of residents and staff; and
 - 4. That the site to be used as a group residential facility for children provide ample outdoor play space, free from hazard and appropriately equipped for the age and number of children to be cared for.
- b. The applicant will demonstrate compliance with all requirements of the State Department of Health.
- c. Parking and loading shall be provided at the rear of the site.
- d. Adequate access to medical services, shopping areas, recreational, and other community services often desired by elderly and handicapped people shall be available to residents or provided on the site for residents.

- e. The project shall be designed to provide a transition near the periphery of the site, either with open space areas and landscaping or by designing the buildings near the periphery to be harmonious in density and type with the surrounding neighborhood.
- f. Open space areas, recreational facilities, and other accessory facilities shall be developed in each phase of development to meet the needs of the residents. The developer shall provide a schedule for the installation of these facilities at the time the special exception is approved.
- g. Where any "child care residence for up to eight children" or "group home for mentally retarded people" has been lawfully established at the same location prior to the effective date of this ordinance, such use shall not be required to obtain a special exception.

Section 22-134. Home Occupations (5.01.117)

The Board of Zoning Appeals may permit a home occupations within the context of the definition of home occupations provided in this Ordinance as a Special Exception in the R-1, R-2, R-3, R-4, MH-1 and RMX Districts subject to the following:

- a. Not more than one person other than members of the family residing on the premises shall be engaged in such occupation.
- b. There shall be no change in the outside appearance of the building or premises. Residential appearance shall be maintained and the proposed development shall be in keeping with the character of the neighborhood.
- c. No home occupation shall be conducted in any accessory building.
- d. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable outside of the dwelling unit.
- e. No more than 25 percent of the floor area of the dwelling, including an attached garage, may be used for the home occupation, and not more than five percent may be used for storage of stock in trade.
- f. No article of commodity shall be offered for sale or publicly displayed on the premises except those incidental to services offered.
- g. Parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- h. Funeral homes, veterinary animal hospitals and grocery stores shall not be permitted as home occupations.
- i. A private educational institution, boardinghouse, rooming house, or tourist home shall not be deemed a home occupation.

Section 22-135. Hotels and Motels (3.04.200)

A hotel, motel, or inn shall be permitted in the CC-1, CG-2, RMX and BP Districts, provided that all the

requirements imposed in the zone are met and provided further that special conditions -- such as for additional fencing and/or planting or other landscaping, additional setback from property lines, location and arrangement of lighting, and other reasonable requirements deemed necessary to safeguard the general community interest and welfare may be imposed by the Zoning Administrator.

- a. Accessory uses may include gift shop, beauty shop, barber shop, restaurant, cocktail lounge/night club, auditorium/meeting facilities, and similar retail stores and commercial establishments. The Zoning Administrator may require studies of the market for specific accessory uses as well as the principal use.
- b. Circulation and parking shall be adequate to fulfill requirements of all proposed uses, principal and accessory. A traffic analysis shall be provided by the applicant demonstrating adequacy of the system to the satisfaction of the Zoning Administrator and appropriate State agencies, e.g., VDOT.
- c. The applicant shall design the building roof to screen mechanical equipment from public view and to contribute to an attractive streetscape.
- d. The applicant shall develop the public streetscape between the street-front building and the street curb as a safe and convenient pedestrian movement area.
- e. The applicant shall locate amenities such as lighting, seating, shelter, and landscaping into attractive groupings that provide for safe and unobstructed pedestrian movement.
- f. The applicant shall design fences and retaining walls that are consistent in materials and quality to that of the building and the adjacent properties.
- g. The applicant shall design and locate signs so that their illumination is directed away from adjacent neighbors.
- h. The applicant shall integrate ground signs into the design of the site and the streetscape.
- i. Vehicular access to the subject property shall not be by means of any street internal to a subdivision for one-family dwellings.

Section 22-136. Manufactured Home Park (MH-1) Standards (3.01.200 and 3.01.300)

Mobile homes and Manufactured Home Parks shall be permitted in the MH-1 District subject to the following requirements. These requirements shall apply to manufactured home parks, expansion of an existing manufactured home park and to manufactured home sites in the MH-1 Manufactured Home Park District.

- a. Minimum Dimension Requirements
 - 1. Each manufactured home shall be so placed on its lot that no part of said manufactured home shall be closer than: forty (40) feet to any other manufactured home; forty (40) feet to any service building; twenty-five (25) feet to any interior street; seventy-five (75) feet to any public street or highway right-of-way line; or thirty-five (35) feet to any property line of the Manufactured Home Park.
 - 2. Manufactured Home Sites. A minimum manufactured home unit site size of 4,500 square feet per unit shall be provided.

b. The following accessory structures and uses may be permitted:

1. Uses and structures which are generally considered accessory and clearly incidental to the principal uses.
2. Utility buildings.
3. Spaces and structures designed to be utilized by the residents of the development (i.e., community center, laundry, recreational area, etc.)
4. No sales lot for manufactured homes may be established within the development.

c. Minimum Tract Dimensions.

1. Manufactured Home Park or Subdivision (Not in Combination). The minimum area for a manufactured home park or subdivision shall be 10 acres. The minimum width of the tract measured at the street frontage of the main access shall be 200 feet.
2. The tract shall comprise a single plot except where the site is divided by public streets or alleys, or where the total property includes separate parcels for necessary utility plants, maintenance or storage facilities and the like, with appropriate access from the park, provided that all lands involved shall be so dimensioned and related as to facilitate efficient design and management.

d. Development Standards.

1. Utility Lines. All utility lines shall be placed underground.
2. Storage Facilities. In order to provide for the storage of personal effects of the residents of the manufactured home park, at least 125 cubic feet of enclosed storage space shall be provided, either in an individual structure adjacent to each manufactured home stand or in a common building within 600 feet of the residential units.
3. Open Space. At least 25 percent of the tract, excluding the right-of-ways, shall be established in open space.
4. Installation. Each manufactured home, together with all enclosed extensions or structural additions thereto, shall be installed upon a manufactured home stand and shall be securely anchored thereto so as to prevent the manufactured home from shifting or overturning, and shall be suitable treated so as to conceal the undercarriage.
5. Design Compatibility. The design of the manufactured home development shall provide for compatibility between the use and development of the adjacent land and the manufactured home development to the maximum extent possible, either by locating double-wide trailers adjacent to land for which the Town Comprehensive Plan recommends a single-family detached zone, or by the location of open spaces and landscaping, or by such other methods as may be desirable or appropriate.
6. Distances Between Manufactured Homes. There shall be a distance of at least 20 feet between manufactured homes or enclosed extensions thereof, in order to ensure adequate

light, air, safety, convenience, and amenity for the residents in the development.

7. Access for Fire Protection Services. Access shall be such as to permit fire protection apparatus to approach to within 200 feet of each manufactured home.
8. Setback from Common Areas. No part of any manufactured home stand shall be located within 10 feet of any common driveway, walk, parking area or other common area within the manufactured home development.
10. Access. Manufactured Home Parks shall have access to a paved road or major collector road. The design and construction of the interior street system shall be sufficient to adequately serve the size and density of the development and shall conform to the requirements of the State of Virginia and County. All interior streets shall be of materials meeting the specification of the State Department of Highways, and shall be at least forty (40) feet in width.
11. Pedestrian Ways. Walkways shall form a logical, safe, and convenient system for pedestrian access to all manufactured homes, on-site facilities, and principal off-site pedestrian destinations. At a minimum, pedestrian ways shall be provided connecting manufactured home sites with commercial and recreational facilities within the community. Pedestrian ways shall be not less than four feet wide. In addition, sidewalks shall be provided to each manufactured home stand from a paved street or from a paved driveway or parking space connecting to a paved street.
12. Recreational Areas. A minimum of ten (10) percent of the gross land area of the Manufactured Home Park shall be reserved for recreational and open space uses. This area may be within or outside a building, but must be for recreational purposes and is in addition to any other open space areas required by yard requirements or other sections of this Ordinance. A clustering of units is encouraged.
13. Required Buffer Yards and Screening. Every Manufactured Home Park shall be enclosed with an approved fence or planted hedge not less than seven (7) feet in height with no openings to adjoining property other than the required entrances and exits to streets or public spaces.

Section 22-137. Mini-warehouses (7.02.230)

A mini-warehouse shall be permitted in the I-1 District and may be permitted as a Special Exception by the Board of Zoning Appeals in the CG-2 District provided:

- a. No activities other than the dead storage or transfer of non-volatile goods or leasing of storage space are permitted. Prohibited uses include, but are not limited to, miscellaneous sales; fabrication or repair of vehicles, equipment, or other goods; transfer-storage business based on site; residential uses or any use that creates a nuisance due to noise, odor, dust, light, or electrical interference.
- b. An on-site manager or resident manager shall be required and shall be responsible for the operation of the facility in conformance with conditions of approval.
- d. Adequate access and parking shall be provided. Parking for storage purposes shall be provided via a driving/parking land adjacent to each storage space/stall, with a minimum 30-foot width for one-

way routes where accessed on one side of the land and a 45-foot width for a two-way route or where accessed on both sides.

e. Screening Requirements

1. Adjoining properties used or zoned for residential/dwelling purposes:

- (a)** Non-street-facing property lines shall be improved with a minimum six-foot high, solid wooden fence or masonry wall along the entire length (except for approved access crossings); said improvements are to be located outside any public right-of-way and interior to a minimum 50-foot landscape buffer with a minimum planting equal to Bufferyard Standard D in Appendix F.
- (b)** Street-facing property lines shall require a minimum six-foot, , wooden fence or masonry wall along the entire length (except for approved access crossings); said improvements are to be located outside any public right-of-way and interior to a minimum 20-foot landscape strip with a minimum planting equal to Bufferyard Standard C in Appendix F.

2. Adjoining all properties used or zoned for other than residential/dwelling purposes:

- (a)** Non-street-facing property lines shall be improved with a minimum six-foot high, , solid fence or masonry wall along the entire length, interior to a 10-foot landscape strip with a minimum planting equal to Bufferyard Standard A in Appendix F.
- (b)** Street-facing property lines shall be provided with a minimum 20-foot landscape strip or buffer as specified in Appendices E and F and a minimum six-foot high, wooden fence or masonry wall along the entire length (except for approved access crossings) located outside any public right-of-way and interior to any required landscape strips and/or buffers.

Section 22-138. Nursing/Elderly Care Homes (3.03.410)

The Board of Zoning Appeals may permit nursing homes serving nine (9) or more people may as a Special Exception in the R-4 and RMX Districts and nursing homes serving between one (1) and eight (8) people shall be permitted in the R-1, R-2, R-3, R-4, MH-1, and RMX Districts provided:

- a.** Such use will not constitute a nuisance because of traffic, noise, or number of patients or people being cared for; that, except for buildings completed prior to the time of adoption of this section and additions thereto, such use will be housed in buildings architecturally compatible with other buildings in the surrounding neighborhood; and that such use will not adversely affect the present character or future development of the surrounding residential community in the opinion of the Board of Zoning Appeals or Planning Commission.
- b.** Nursing homes permitted as Special Exceptions shall be developed in conformity with the following minimum area, density, coverage, frontage, setback, access, and screening requirements where specified:
 - 1.** Total area: 20,000 square feet.

2. Frontage: 50 feet.
3. Setback: same as in the area regulations for the zone in which the care home or nursing home is proposed to be located.
4. Minimum screening, as determined by the Board with special attention given to off-street parking and loading areas in accordance with Articles XVI and in no case less than Bufferyard Standard C as shown in Appendix E.
5. The Board shall increase the number of off-street parking spaces required for nursing homes under Article XVII where the operation or method of operation, or type of care to be provided, indicates such increase will be needed.

Section 22-139. Pet shops (6.01.112)

Pet shops shall be permitted in the CC-1, CG-2, and RMX Districts provided that the actual store or premises in which the pet shop is located is at least 150 feet from any lot in any residential zone; that the proposed use shall not be incompatible with, or detrimental to, any existing uses on abutting lots in a CG-2, CG-2 or RMX District; that no animals may be kept for boarding; that no animals may be kept for breeding; that only animals for retail sale shall be maintained or kept on the premises; that all animal pens shall have glass enclosed fronts and each pen or cage shall be connected to any outside ventilating system or other appropriate air filtration system (this provision shall not apply to birds that may be maintained in bird cages). There shall be no space on the exterior of that building for the maintaining or for the use of the animals, and all animals shall be maintained within the pet shop.

Section 22-140. Primary Residence with Accessory Apartment (3.01.500)

- a. It is the specific purpose and intent of this Zoning Ordinance to allow accessory apartments through conversion of existing larger residential structures located in those zones permitting residential uses and to provide the opportunity and encouragement to meet the special housing needs of single persons and couples of low and moderate income, both young and old, as well as relatives of families currently residing in the Town of Tappahannock. It is furthermore the intent and purpose of this provision to allow the more efficient use of the Town's existing housing stock.
- b. Apartments that are accessory to the primary residence shall be permitted in the R-2, R-3, R-4 and RMX Districts provided:
 1. The owner of the residential dwelling unit in which the accessory apartment is to be located shall occupy at least one of the dwelling units on the premises.
 2. An accessory apartment may be located either in the principal dwelling unit or in an accessory building.
 3. The minimum floor area for an accessory apartment within a principal dwelling shall be three hundred (300) square feet but in no case shall it exceed thirty percent (30%) of the gross floor area of the dwelling in which it is located. For accessory apartments located in accessory buildings, the minimum floor area shall also be three hundred (300) square feet, there shall be no more than two (2) bedrooms in the apartment and the apartment shall not occupy more than 50% of the accessory structure.

4. There shall be no more than one (1) accessory apartment permitted per existing single family dwelling.
5. If an accessory apartment is located in the principal dwelling building, the entry to such unit and its design shall be such that, to the degree reasonably feasible, the appearance of the building will remain as a single-family residential structure and that no external entrance that faces a road or street will be added.
6. Off-street parking shall be provided in accordance with the standards and requirements of Article XVII.

Section 22-141. Public Utility Buildings and Public Utility Structures (4.06.200)

The Board of Zoning Appeals may permit public utility buildings and structures not otherwise permitted, including radio and television broadcasting stations and towers (but not including electric power transmission or distribution lines carrying in excess of 69,000) volts, as Special Exceptions in all District provided:

- a. The Board of Zoning Appeals finds that:
 1. The proposed building or structure at the location selected is necessary for public convenience and service.
 2. The proposed building or structure at the location will not endanger the health and safety of workers and residents in the community and will not substantially impair or prove detrimental to neighboring properties.
- b. Public utility buildings in any permitted residential zone shall, whenever practicable, have the exterior appearance of residential buildings and shall have suitable landscaping, screen planting, and fencing, wherever deemed necessary by the Board of Zoning Appeals.
- c. Signs in connection with a public utility building or structure shall be governed by the provision of Article XVI of this Ordinance.
- d. Any proposed broadcasting tower shall have a setback of one foot from all property lines for every foot of height of the tower, provided that any broadcasting tower lawfully existing prior to the effective date of this Ordinance shall be exempt from the setback limitations imposed by this subsection and may be continued, structurally altered, reconstructed, or enlarged provided that no structural change, repair, addition, alteration, or reconstruction shall result in increasing the height of such tower above the then existing structurally designed height.
- e. In any residential zone, overhead electric power and energy transmission and distribution lines carrying in excess of 69,000 volts may be permitted where the Board of Zoning Appeals finds:
 1. The proposed use does not have an unduly adverse effect on the general plan for the physical development of the district as embodied in this Ordinance and in the comprehensive plan or portion thereof adopted by the Town Council;
 2. The proposed use will not adversely affect the health and safety of the residents or workers in the area;

3. There is a public necessity for the proposed building, structure, or facility at the location selected; and
4. The proposed use will have the least possible detrimental effect to the use of development of adjacent properties or the general neighborhood.

In making such findings, the Board of Zoning Appeals shall consider the following factors, and such other factors as the Board of Zoning Appeals may find to be necessary or important to effectuate its review:

- (a) Points at which the proposed line crosses heavily traveled highways or streets, or other arteries of transportation, either existing or proposed;
 - (b) Proximity of the line to schools, churches, theaters, clubs, museums, fair grounds, or other places of assembly, either existing or proposed;
 - (c) The amount and probability of low-level flying over the line and nearness of the line to airports and/or heliports, either existing or proposed;
 - (d) Any fire hazard or interference with fire fighting equipment due to the location and construction of the proposed line
 - (e) Proximity of the line to public parks and recreational areas, either existing or proposed;
 - (f) Effect upon property values of those who will not be compensated for a taking under the laws of the state;
 - (g) The effect upon environmental quality and ecological balance of protected watersheds, planned open space between corridors of development and green belt areas surrounding satellite community development; and
 - (h) Proximity of the line to historic sites and structures.
- f. In addition to the authority granted by this section, the Board of Zoning Appeals may attach to any grant of a special exception under this section other conditions that it may deem necessary to protect the public health, safety, or general welfare.
- g. Petitions for special exception under this section may be filed on project basis. A petitioner under this section shall be considered an interested person for purposes of filing a request for a special exception if he states in writing under oath that he has made a bona fide effort to obtain a contractual interest in the subject property for a valid consideration without success and that he intends to continue negotiations to obtain the required interest or, in the alternative, to file condemnation proceedings should the special exceptions be granted.

Section 22-142. Retail Establishments in an Office Building (6.01.114)

Retail sales and personal service establishments in an office building shall be permitted in the CC-1, CG-2 and RMX Districts subject to the following requirements:

- a. The establishments shall be primarily for the service of the tenants and employees of the building or group of buildings on the same lot or group of contiguous lots in common ownership or control.
- b. Such establishments shall occupy not more than 30 percent of the total floor area of the building or group of buildings.
- c. The establishments shall be so located and constructed as to protect tenants of the building from noise, traffic, odors, and interference with privacy.

Section 22-143. Residential Structures - Multi-family Conversion (3.02.400)

Conversion of an existing detached single family residence into a multi-family residence shall be permitted in the R-3 and R-4 Districts provided:

- a. The original single building contains at least 2,000 square feet of gross floor area that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence.
- b. There shall be no more than four (4) units permitted per existing single family dwelling.
- c. The appearance of the building will remain as a single-family residential structure and that no external entrance that faces a road or street will be added.
- d. Off-street parking shall be provided in accordance with the standards and requirements of Article XVII. Any additional parking required shall not be located in a required front yard.

Section 22-144. Residential Structures - Multi-family Structures (3.02.100)

- a. The Board of Zoning Appeals may permit multi-family residential structures as a Special Exception in the R-3 District provided that there shall be no more than six (6) units permitted in a single multi-family structure.
- b. Multi-family structures shall be permitted in the R-4 District and may be permitted in the RMX District, subject to site plan approval.

Section 22-145. Residential Structures - Townhouses (3.02.200)

Townhouses shall be permitted in the R-4 Districts and may be permitted by the Board of Zoning Appeals as a Special Exception in the RMX District provided:

- a. Both sides of rear yards shall be screened with a privacy type fence or hedge of six (6) feet minimum height approved by the Zoning Administrator and extending not less than fifteen (15) feet from the rear building wall.
- b. A minimum of eight hundred (800) square feet per townhouse lot shall be maintained in common open space areas exclusive of front, side, or rear yards in a location approved by the Zoning Administrator.

- c. All areas not occupied by buildings, roads, parking areas, service areas, or other required or permitted uses, including open spaces and usable recreation areas shall be landscaped by lawns, trees, shrubs, gardens, or other suitable ground cover.
- d. A landscaping plan and a schedule of planting shall be included with the site plan. Landscaping plans shall meet the requirements of the sediment control ordinance and other applicable regulations.
- e. Building requirements and relationship.
 - 1. Dwelling units per townhouse structure and length of structure. No more than eight dwelling units shall be contained in a townhouse structure.
 - 2. Setback between buildings. The minimum distance between any two unattached townhouse structures shall be twenty-five (25) feet. The setback shall be increased to sixty (60) feet if the townhouse structures are face to face. The point of measurement shall be the exterior walls of the structures and does not include balconies or other architectural features.
 - 3. Distance to service areas. No townhouse structure shall be closer than twenty (20) feet to any interior driveway or closer than fifteen (15) feet to any off-street parking area excluding garages built into an individual townhouse unit.
 - 4. Code requirements. All structures shall comply with all Town, County and State Codes.
 - 5. All public ways or other common facilities within a townhouse cluster shall be maintained by the property owners within the townhouse cluster.
 - 6. A public way intended for pedestrian circulation shall be provided between abutting rear lot lines.
- f. Off-street parking shall be provided in accordance with the provisions of Article XVII of this Ordinance.

Section 22-146. Satellite Dish (4.07.000)

Satellite dishes shall be permitted in the R-1, R-2, R-3, R-4, MH-1, CC-1, CG-2, I-1, RMX, and BP districts provided:

- a. Satellite dishes one (1) meter and larger in size shall be located in the side or rear yard in the R-1, R-2, R-3, R-4, MH-1, RMX Districts and shall be governed by the proper site plan approval for the CC-1, CG-2, I-1, and BP Districts.
- b. Satellite dishes shall be located a minimum of (5) five feet from all property lines.
- c. Satellite dishes shall not exceed any height limits as set forth in this ordinance.
- d. A landscape buffer may be required around a satellite dish if determined necessary by the zoning administrator.

- e. Zoning criteria for satellite dishes shall not supersede any covenants or regulations as provided for in any subdivision, manufactured home park or other development.
- f. Satellite dishes less than one (1) meter in size are exempt from the provisions of this ordinance and may be located in any yard, or on any structure provided they can not receive an acceptable quality signal, in either the side or rear yard.
- g. Satellite dishes that are 18" and smaller in size are exempt from the provisions of this ordinance and may be attached to buildings in all zoning districts.

Section 22-147 Shop for furniture construction, finishing, refinishing, and assembly (7.01.210)

The Board of Zoning Appeals may permit a shop for furniture construction, finishing, refinishing, and assembly as a special exception subject to review and renewal annually in a CG-2 District provided:

- a. All saw dust, sanding dust, or other dust and any other waste materials from saws, planes, grinders, and etc. shall be collected by a vacuum system and stored within the building.
- b. All storage, sales, and work shall be conducted within an enclosed building.
- c. All exhaust systems shall be equipped with a filtering system.
- d. All exhaust systems shall be extended above the roofline.
- e. Any part of the building utilized for this use shall be located at least (100) one hundred feet from any Residential District.
- f. The intent of this use is to be small in character, therefore, this use is limited to not more than (5) five employees and the building shall not exceed 5,000 square feet in gross floor area.

Section 22-147.1 Tattoo Parlors and Schools- Body Piercing

The Board of Zoning Appeals may permit a Tattoo Parlor or a School and Body Piercing Salon as a Special Exception subject to review in a CG-2 District.

- a. Shall adhere to all Federal ,State and Local laws pertaining to regulating tattoo parlors and including schools and Body Piercing Salons.

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ARTICLE XII PLANNED DEVELOPMENTS

Section 22-148. Intent

Planned Development Zones are designed to encourage innovative and creative design of residential, commercial, and industrial development; facilitate use of the most advantageous construction techniques; and maximize the conservation and efficient use of open space and natural features. These zones are designed to further the purposes and provisions of the Comprehensive Plan and to conserve public fiscal resources; efficiently utilize public facilities and courses; and provide a broad range of housing and economic opportunities to present and future residents of the Town.

Section 22-149. Conditions

Rezoning to Planned Development will be permitted only in accordance with a General Development Plan which is recommended by the Planning Commission and approved by the Town Council in accordance with the procedures and standards contained within this Article and Article XIX.

Section 22-150. Contents of a General Development Plan

Any application for the designation to a Planned Development Zone shall be accompanied by a General Development Plan with the requirements set forth in Appendix A. In addition, the submittal shall include the following:

- a. Development schedule and projected market absorption, approximate dates for beginning and completion of each phase, and estimated cost of each phase of development.
- b. Architectural sketches of typical proposed structures, typical recreation areas, typical landscaping and screening areas, and typical development clusters.
- c. A plan or report indicating the extent, timing, and estimated cost of all off-site improvements such as roads, sewer and drainage facilities necessary to the construction of the planned development. Such plan or report shall relate to the sequence of development.
- d. A report or plan showing the adequacy of public facilities and services such as water, sewer, drainage, schools, streets and roads to serve the proposed development.
- e. A report showing the fiscal impact of the proposed development on the Town.
- f. A statement showing the relationship of the proposed development to the Tappahannock Comprehensive Plan.

Section 22-151. Types of Planned Developments

The following types of Planned Developments shall be permitted subject to the provisions of this Article, Article XI, and Development Plan approval:

- a. Residential Mixed Use District: RMX
- b. Planned Business Park District: B-P

Section 22-152. Administrative Procedures for Planned Developments

- a. Preliminary Application shall be made to the Zoning Administrator and referred to the Planning Commission for stage one consideration of a Planned Development zone and shall include, but not be limited to:
 - 1. A general diagram showing the Planned Development's relation to the Town of Tappahannock and major public access to the Planned Development (10 copies).
 - 2. The General Development Plan setting forth preliminary information as identified in Appendix A (10 copies). In addition to such information, the Town Planning Commission may include, but not be limited to the following:
 - (a) Elevations of each building type.
 - (b) Proposed open spaces, their size, their location, their uses, and their proposed ownership (Town and/or association).
 - (c) General statement concerning provision of utilities.
 - (d) Statement of expected Town responsibilities.
 - (e) Cost-Revenue ratio of the proposed development for the Town.
 - (f) Tentative time table and staging of development. (Schedule of construction)
 - 3. The applicant shall pay an application fee as previously established by the Town.
 - 4. After the Planning Commission makes its findings, the application will be forwarded to the Town Council for consideration. If the Council finds that the proposal has merit, it will be preliminarily approved.
- b. Preliminary Site Plan and/or Subdivision Plat. The developer shall submit the following to the Zoning Administrator for review after receiving preliminary approval from the Town Council.
 - 1. The (10) copies of a preliminary site plan or subdivision plat, as appropriate shall be filed with the Zoning Administrator. The preliminary site plan or plat shall comply with the requirements of this Article and/or the Tappahannock Subdivision Regulations and be accompanied by such other written or graphic material as may be necessary or desirable in aiding the decisions of the Planning Commission and the Zoning Administrator.
 - 2. The Zoning Administrator shall review the site plan or preliminary plat for compliance with the requirements of this Ordinance and/or the requirements of the Tappahannock Subdivision Regulations. The Zoning Administrator shall consult with such Town officials as may be appropriate, and may offer such comments as may be appropriate.

3. Preliminary Site Plan or Subdivision Plat shall include but not be limited to the requirements set forth in Appendix A of this Ordinance and/or Appendix A of the Subdivision Regulations.
 4. A schedule of construction or timetable shall be included with the application.
 5. The developer shall provide a statement detailing the means by which the Planned Development and all its various aspects shall be managed. This shall include deed restrictions and covenants designed to ensure perpetuity of agreements.
 6. The preliminary site plan or subdivision plat shall also include a management statement governing the construction, operation, and maintenance of:
 - (a) Sanitary and storm sewers, water mains, culverts, and other underground structures.
 - (b) Streets, alleys, driveways, curb cuts, entrances and exits, parking and loading area, and outdoor lighting systems.
 - (c) Parks, parkways, cycleways, playgrounds, open spaces, fences, walls, screen planting, and landscaping and signs.
 7. The Zoning Administrator, Planning Commission and/or Town Council may establish additional requirements for preliminary site plans or subdivision plats for the Planned Development District.
 8. After review and a public hearing in accordance with Section 15.1-431 Code of Virginia, as amended, on the proposed zoning, the Planning Commission shall make recommendations to the Town Council. The Zoning Administrator shall return the site plan, together with his comments and recommendations to the Town Council for appropriate action.
- c. Final Review and Approval Procedure
1. The Town Council shall review the final site plan and other documents.
 2. If a joint Planning Commission/Town Council hearing is not held the Town Council shall hold a public hearing in the manner required in Section 15.1-431 Code of Virginia, as amended.
 3. The Town Council may approve or disapprove the proposed Planned Development zoning. In granting approval, the Council shall secure:
 - (a) A surety bond or equivalent to be filed for/or deposited in escrow with the Town Council in an amount sufficient to ensure completion of all requirements established by the Town Council. Such surety to be reviewed annually and adjusted to reflect current costs.
 - (b) A final site plan and/or final subdivision plat shall be prepared, filed, and recorded.
 - (c) Permits for building shall be issued in accordance with the schedule for construction

approved by the Town Council as part of the final approval.

- (d) When a Planned Development is to be developed in stages, each stage shall be processed as a separate development after first submitting and receiving approval of the Planned Development zone for the entire project.
- (e) As part of the final approval, the Town Council shall approve dates for initiation and completion of the Planned Development and/or its phases. Any departure from these dates shall constitute material breach of contract and outstanding bonds can be called in. The Town Council can waive for cause.

Section 22-153. Residential Mixed Use Development (RMX)

a. Residential Mixed Use Development in General

- 1. It is the intent of this zone to control the placement, design, use, and density of well planned, residential developments which will offer a variety of building types and a more efficient overall use of land, and within these limits, permit the optimum amount of freedom and variety in the design and management of such varying types of residential structures including one and two-family units, townhouses and garden apartments. The intention of these regulations, is to achieve the following objectives:
 - (a) To provide a more attractive and varied living environment than would be possible through the strict application of R-2 district requirements.
 - (b) To encourage a more intimate, efficient and aesthetic use of open space.
 - (c) To encourage developers to use a more creative approach in the development of land.
 - (d) To encourage variety in the physical development pattern of residential areas.
- 2. Because of the special characteristics of the RMX District, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this Article and those of other Articles of this Ordinance, the provisions of this Article shall prevail for the development of the RMX District. Subjects not covered by this Article shall be governed by the applicable provisions found elsewhere in this Ordinance.

b. RMX Requirements

- 1. Permitted uses
 - (a) Residential Mixed Use Developments are contemplated to be primarily residential in nature. However, Residential Mixed Use Developments of sufficient size and appropriate character may have certain limited commercial development which is incidental to the Residential Mixed Use Development and is intended primarily for the use of the residents of the Residential Mixed Use Development. Specifically permitted uses are enumerated in the Table of Permissible Uses in Article X.

- (b) In Residential Mixed Use Developments, commercial establishments of a convenience and service nature for RMX residents may be permitted. Such commercial establishments shall be an integral part of the plan for the RMX. The total aggregate area of all the commercial establishments and their parking area shall be established in the approval of the general development plan but in no case shall the land in commercial use be more than 25 percent of the gross area of the RMX.
 - (c) The Town Council may approve and/or require land and places for public assembly, recreational buildings, public buildings and accessory buildings, or may require the reservation of lands for such uses if it is deemed they are advantageous or necessary for the purpose of serving the Residential Mixed Use Development and the local community.
- 2. Where Permitted. In general, a Residential Mixed Use Development is contemplated in residential zones where tracts of suitable location size, and character exist. The uses/structures proposed are to be planned and developed according to the requirements and procedures of this Ordinance. Residential Mixed Use Development shall be appropriately located with respect to the general pattern of urban development existing or proposed, and to existing public and private facilities and services.
- 3. Computation of Dwelling Units Permitted. The total density in the Residential Mixed Use Development (RMX) will not be greater than if conventionally developed. The total permitted dwelling units may be averaged over the entire RMX or clustered in various groupings. At least 50 percent of the dwelling units will be single-family detached.
- 4. Area. The proposed RMX shall in no case contain less than five (5) acres of land.
- 5. Open Space. The minimum open space in any RMX District shall be as set forth in Section 22-155 and shall be reserved as common open space and recreation facilities for residents of the area being developed. Such land shall not include streets, yards, parking areas, walkways, utility easements or water courses and shall be of a contour and shape as to facilitate public recreational uses. The smallest countable open space shall contain at least 10,000 square feet where several areas are to be counted together as common open space.

Every dwelling unit in a RMX should abut upon common open space. In any case, at least 80 percent of all dwelling units shall be located within 500 feet (by normal routes of pedestrian travel not to cross a street) of common open space. This shall facilitate the clustering of units.
- 6. To the extent practicable, the two-family and multi-family portions of a RMX shall be developed more toward the interior rather than the periphery of the tract so that the single-family detached residences border adjacent single-family residential properties.

Section 22-154. Planned Business Park District (B-P)

- a. Purpose of the District. The purpose of the BP Planned Business Park District is to encourage innovative and creative design of commercial, business and industrial development; facilitate use of the most advantageous construction techniques; and maximize the conservation and efficient use of open space and natural features. The districts are designed to further the purposes and provisions of

the Comprehensive Plan and to conserve public fiscal resources; efficiently utilize public facilities; and provide a broad range of economic opportunities to present and future residents of the Town.

Planned Business Park Districts, hereinafter called B-P Districts, are defined, for the purpose of these regulations, as planned developments primarily for light industrial, commercial and business uses. B-P Districts are further defined as areas devoted to industrial, commercial and business uses which present an attractive appearance and complement surrounding land use character by means of appropriate siting of buildings and service areas and landscape treatment. It is intended that B-P Districts be located in areas having all of the following: water and sewer facilities that meet applicable standards and are acceptable to the Council, access to one or more major highways, and clearly demonstrated suitability for intended uses insofar as physical characteristics and relationship to surrounding development are concerned.

- b.** Conditions. Rezoning to B-P will be permitted only in accordance with a General Development Plan which is recommended by the Planning Commission and approved by the Council in accordance with the procedures contained within this Ordinance.
- c.** Contents of the General Development Plan. Any application for the designation to a B-P District shall be accompanied by a General Development Plan consistent with the requirements set forth in Appendix A. In addition the Planning Commission or Zoning Administrator may require the following information.

 - 1.** Architectural sketches of typical proposed structures.
 - 2.** A plan or report indicating the extent, timing, and estimated costs of all off-site improvements such as roads, sewer and drainage facilities necessary to the construction of the planned development. Such plan or report shall relate to the sequence of development.
 - 3.** A report or plan showing the adequacy of public facilities and services such as water, sewer, drainage, streets and roads to serve the proposed development.
- d.** Location Within Parent Zoning District. The Planned Business Park (BP) District may be permitted in any zoning district or it may be pre-mapped consistent with the intent of the Comprehensive Plan of the Town of Tappahannock.
- e.** General Regulations for Planned Business Park District

 - 1.** Required Area. Minimum area required for creation of a B-P District shall be 10 acres, provided, however, that when an initial B-P District has been created, incremental additions to such district shall consist of not less than five (5) acres.

Where individual lots or building sites are provided for lease or sale, minimum area required shall be one (1) acre.
 - 2.** Permitted Intensities. Maximum total floor area permissible in a Planned Business Park shall not exceed floor area ratio (FAR) 0.25 for the land area of the B-P, and no structure or structures shall cover more than 50 percent of the lot.
 - 3.** Shape of Planned Business Park Districts. The shape of the district shall be suitable for the type of development proposed and shall facilitate safe and convenient ingress and egress as

well as vehicular and pedestrian circulation within the district.

4. Permitted Accessory Uses and Structures. Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures, provided that no accessory building shall be constructed until construction of the principal building is completed and in use.
 5. Required Utilities. All structures shall be served by underground utility lines.
 6. Maximum Height Permitted. The maximum height of any structure shall be limited to 40 feet, except that industrial structures may be erected to a maximum height of 60 feet, provided the required set back is increased a distance of not less than one foot for each one (1) foot of height that it exceeds the 40 foot limit.
- f. Regulations for Planned Business Park District
1. Permitted uses. The uses shall be permitted in any B-P District that are enumerated in the Table of Permissible Uses in Article X.
 2. Open Space. Minimum landscaped open space of any individual lot shall not be less than 20 percent of the lot area. Such landscaped open space shall be used to enhance the appearance of the lot.
 3. Site Planning - External Relationships. Site planning within the district shall provide for protection of individual lots from adverse surrounding influences, and for protection of surrounding areas from adverse influence existing within the district. Yards, fences, walls, or vegetative screening shall be provided where needed to protect residential districts or public streets from undesirable views, lighting, noise, or other off-site influences. In particular, outdoor storage, extensive off-street parking areas, and service areas for loading and unloading vehicles, and for storage and collection of refuse and garbage shall be effectively screened. Bufferyards shall be provided as described in Article XVIII.

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ARTICLE XIII DENSITY AND DIMENSIONAL REGULATIONS

Section 22-155. Minimum Lot Size

Subject to the provisions of Sections 22-161, all lots shall have at least the amount of square footage indicated for the appropriate zone in Section 22-161. The total gross floor area in all buildings on the lot shall be considered in determining the adequacy of lot area.

Section 22-156. Residential Density

Every lot developed for residential purposes shall have the number of square feet per dwelling unit indicated in the Schedule of Zone Regulations (Section 22-162). In determining the number of dwelling units permissible on a tract of land, fractions shall be rounded to the nearest whole number.

Section 22-157. Minimum Lot Widths

- a. No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:
 - 1. Could be used for purposes that are permissible in that zoning district, and
 - 2. Could satisfy any applicable setback requirements for that district.
- b. The Schedule of Zone Regulations (Section 22-162) indicates minimum lot widths and depths that are recommended and are deemed presumptively to satisfy the standard set forth in Subsection a.
- c. No lot created after the effective date of this ordinance that is less than the recommended width shall be entitled to a variance from any building setback requirement.

Section 22-158. Building Setback Requirements

- a. Subject to Sections 22-159 and 22-162 and the other provisions of this section, no portion of any building or any freestanding sign may be located on any lot closer to any lot line or to the street right-of-way line or centerline than is authorized in the table set forth in this section.
 - 1. As used in this section, the term "lot boundary line" refers to lot boundaries other than those that abut streets.
 - 2. As used in this section, the term "building" includes any substantial structure which by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. Without limiting the generality of the foregoing, the following structures shall be deemed to fall within this description:
 - (a) Gas pumps and overhead canopies or roofs.

- (b) Fences running along lot boundaries adjacent to public street rights-of-way if such fences exceed six feet in height and are substantially opaque.
- b. Side Yards. Side yard exceptions for attached dwellings. In the case of attached dwelling units, the entire structure shall be considered as a single building with respect to side yard requirements.
- c. Setback distances shall be measured from the property line or street right-of-way line to a point on the lot that is directly below the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it (such as a flagpole, etc.).
- d. Walls and Fences.
1. No barbed wire fences shall be permitted within any residential zone. No barbed wire shall be permitted along any boundary adjoining a residential zone unless such wire is located not less than six (6) feet above ground level. Protective devices using barbed wire may be installed upon walls or fences constructed or used in conjunction with a non-conforming commercial or industrial use in a residential zone. Unless otherwise prohibited by this section, barbed wire shall be permitted in all business and industrial zones.
 2. In any residential or commercial zone, a wall or fence of not more than three and one-half (3 ½) feet in height may be erected or maintained within a front yard or a side street yard. A fence or wall of not more than six (6) feet in height may be erected in any other yard. No height restriction shall be placed on a wall or fence erected or maintained in any industrial zone.
 3. In any commercial zone, a wall or fence of not more than eight (8) feet may be erected or maintained in any yard subject to the applicable site plan provisions. A wall or fence erected or maintained adjoining a residential zone shall be required to meet the applicable bufferyard requirements set for in Article XVII Sections 22-216 and 217 and Appendix E of this ordinance.
 4. Permit exemptions and additional regulations. The following walls and fences are permitted without a permit. However, such walls and fences shall conform to the requirements set forth below as well as all other applicable requirements of this ordinance.
 - (a) Walls or fences erected or maintained for athletic or recreational facilities.
 - (b) Walls or fences of not more than eight (8) feet in height, erected or maintained by or on behalf of or pursuant to the authorization of a governmental body for security or safety purposes. A wall or fence so erected or maintained adjoining a similar zoning district may be required to meet the applicable buffer yard requirements as set forth in Article XVIII, Sections 22-216 and 217 and Appendix E of this ordinance, if determined necessary by the zoning administrator.
 5. Walls or fences erected or maintained in an industrial district pursuant to the applicable site plan provisions. No height restriction shall be placed on a wall or fence erected or maintained in any industrial zone.
- e. Projections.

1. Covered porches, stairways, terraces or other similar features, the floor level of which is not over three feet above the average finished grade and which do not extend above the level of the first floor of the building, when open and unenclosed, may project into a required front, side or rear yard not more than three (3) feet.
2. Outside stairways more than three (3) feet above average finished grade may extend no more than three (3) feet into any required side yard, nor more than five (5) feet into any required rear yard.
3. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like may extend no more than twenty-four (24) inches into any required yard.
4. Handicap ramps may protrude into any yard requirements and shall run parallel to the property boundary towards which the structure protrudes unless due to circumstances it makes this impossible.

Section 22-159. Accessory Building Requirements

- a. The following provision shall regulate the location of accessory buildings with respect to required yards:
 1. Accessory buildings shall be prohibited in any required front yard or side yard that is adjacent to a street (corner lot).
 2. Accessory buildings shall be distant at least five (5) feet from alley lines and five (5) feet from lot boundary lines in all residential and MH-1 districts.
 3. Accessory buildings shall be located in accordance with the zone regulation (Section 22-162) and site plan criteria for the commercial and industrial districts.
- b. Accessory buildings shall not exceed the maximum height restriction for the zone in which they are located.
- c. Accessory buildings in residential zones shall not exceed the lot coverage nor the total square footage of the building to which it is accessory.

Section 22-160. Building Height Limitations

- a. For purposes of this section:
 1. Except as hereinafter provided, no building or structure, or part thereof, shall hereafter be erected or altered to a height greater than the maximum specified for the respective zone.
 2. The "height" of a wall or structure or a part of a building is the mean vertical distance from the average established grade in front of the lot, or from the average natural grade at the building line, if higher, to the average height of the top of the cornice of flat roofs, or roof line, or to the deck line of a mansard roof, or to the middle height of the highest gable or

dormer in a pitched, or hipped roof, or if there are no gables or dormers, to the middle height of such pitched or hipped roof.

Where a lot abuts on two or more street or alleys, of different average established grades in front of the lot, the higher of such grades shall control.

- b.** Subject to the remaining provisions of this section, building height limitations in the various zoning districts shall be as indicated in The Schedule of Zone Regulations (Section 22-162).
- c.** Exceptions to height limits. Notwithstanding other regulations in this Article or the maximum specified for the respective zone, the height limits of this Zoning Ordinance shall not apply to church spires, belfries, and cupolas, not for human occupancy, municipal utility poles, municipal water towers, chimneys, and flag poles.
- d.** Towers and antennas are allowed in all zoning districts to the extent authorized in the Table of Permissible Use.

Section 22-161. Cluster Subdivisions

- a.** The intent of this section is to permit more flexible and efficient use of sites through waiver of certain dimensional and use regulations where an applicant can demonstrate that a propose plan of development will result in a better living environment.
- b.** Cluster developments are intended to accomplish the purpose of zoning and other applicable regulations to the same degree as tracts developed on a conventional lot-by-lot basis, and to promote economical and efficient land use, and improved level of amenities, appropriate and harmonious variety in physical development, creative design, and a better integration of housing with the existing natural environment.
- c.** Applicability. Cluster development shall be an alternative form of development in any residential district.
- d.** Minimum Area. No cluster development shall be allowed on parcels containing less than two (2) contiguous acres under unified ownership or control.
- e.** Waiver of Dimensional and Area Requirements. Upon approval of a preliminary plan all requirements relative to lot areas, dimensional setbacks shall be waived and the areas and dimensions shown on the approved plan shall govern. All land not used for building sites or dedicated streets shall be maintained as open space to a homeowners association or as determined by the Administrator.
- f.** Open Space Requirements. Within each approved cluster development there shall be a minimum of twenty (20) percent of the total acreage devoted to open space. Open space shall be contiguously located and shall contain facilities for recreational activities appropriate to the size and scale of the development. In computing open space the developer may include access ways which are a minimum of fifty (50) feet width and which are not intended for vehicular traffic. A minimum of nine (900) hundred square feet per dwelling unit shall be designated for recreational activities.
- g.** Procedure. An owner or contract purchaser of a tract of land meeting the zoning and minimum area

requirements of this section may submit for approval of a preliminary plan for cluster development. Such plan shall be in accordance with the preliminary site plan requirements as set forth Appendix A.

SECTION 22-162 SCHEDULE OF ZONE REGULATIONS

Districts	Minimum Area and Dimensions Per Unit			Minimum Yard Requirements			Maximum Height	Lot Coverage Max %	Maximum Density Permitted	Min	Min	Minimum Tract Size
	Lot Area	Width	Depth	Front	Side	Rear	Feet	(1)	Units/Ac	OSR	ISR	
R-1												
Single-family (2)	12,000	80	125	35	10 (15 Corner)	25	35	40		20%		
R-2												
Single-family (2)	9,000	75	100	35	8 (15 Corner)	25	35	40		20%		
Duplex	12,000	75	100	35	8 (15 Corner)	25	35	40		20%		
R-3												
Single-family (2)	5,000	45	100	35	5 (15 Corner)	25	35	50		20%		
Duplex	7,500	70	100	35	5 (15 Corner)	25	35	60		20%		
R-4												
Single-family (2)	4,000	40	90	35	5 (15 Corner)	25	35	60		20%		
Duplex	7,500	70	100	35	5 (15 Corner)	25	35	60		20%		
Townhouse	1,600	16	90	35	5(2)(3) (15 Corner)	25	40	60		20%		
Multi-family	2,800	22	125	35	(2)	(2)(5)	40	70	10	20%		
MH-1	4,500	See Section 22-128		See Section 22-128		See Section 22-128			6	25%		
CC-1												
Commercial	(6)	(6)	(6)	(6)	(6)	(6)	40					
CG-2												
Commercial	(6)	(6)	(6)	(6)	(6)	(6)	40	(6)	na			

Article XIII – Density and Dimensional Regulations

BP												
Business Park	40,000	100	200	40	10	15	40		0.35		25%	5 acres
RMX												
Residential, mixed use	(6)	(6)	(6)	(6)	(6)	(6)	40			20%		5 acres
INDUSTRIAL												
Industrial	(6)	(6)	(6)	(6)	(6)	(6)	(6)			(6)	(6)	

1. Includes both principal and accessory buildings.
2. Unless otherwise provided in this Ordinance, minimum area, minimum yard, minimum height and minimum lot coverage for other non-residential uses permitted in the R-1, R-2, R-3, and R-4 shall be the same as required for a single family dwelling.
3. Shall be increased to 20 feet for end unit lots adjacent to an adjoining property.
4. Required when adjoining or adjacent to a residential district.
5. When required, side and rear yards are each increased by at least one foot for each additional foot of building above 35 feet
6. Based on General Site Plan and/or appropriate site plan.

Definitions:

Open Space Ratio (OSR) - The proportion of a site consisting of open space calculated using the base site area.

Landscape Ratio(LSR) -The ratio derived by dividing the area of landscaped surface by the base site area.

Floor Area Ratio(FAR) - An intensity measured as a ratio derived by dividing the total floor area of a building by the base site area.

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ARTICLE XIV RECREATIONAL FACILITIES AND OPEN SPACE

Section 22-163. Recreational Facilities Required

In order to implement the Parks and Recreation objectives of the Tappahannock Comprehensive Plan, all residential developments shall provide recreation opportunities according to the following subsections:

- a.** All residential developments designed for more than six (6) dwelling units shall provide a minimum of twenty (20) percent area for a recreational area in the form of a open space or recreational facility as described in Section 22-164.
- b.** Such recreational area may be provided in the required open space provided the open space is not tidal or non-tidal wetlands or other environmental area required to be preserved.

Section 22-164. Recreational Facilities: Purpose and Standards

- a.** The purpose of the open space or recreational facility is to provide adequate active facilities to serve the residents of the immediately surrounding neighborhood within the development. The following are illustrative of the types of facilities that shall be deemed to serve active recreational needs and therefore to count toward satisfaction of the neighborhood park requirements of this article: tennis courts, racquetball courts, swimming pools, sauna and exercise rooms, meeting or activity rooms within clubhouses, basketball courts, swings, slides, and play apparatus.
- b.** Open space or recreational facilities shall be attractively landscaped and shall be provided with sufficient natural or man-made screening or buffer areas to minimize any negative impacts upon adjacent residences.
- c.** Each open space or recreational facility shall be centrally located and easily accessible so that it can be conveniently and safely reached and used by those persons in the surrounding neighborhood it is designed to serve.
- d.** Each open space or recreational facility shall be constructed on land that is relatively flat, dry, and capable of serving the purposes intended by this article.

Section 22-165. Provision of Common Open Space

Common open space (spaces designed and intended for the use and enjoyment of all residents of the development) may contain such complimentary structures, improvements as are necessary and appropriate for the use, benefit and enjoyment of residents of the development. Common open space areas shall meet the following requirements:

- a.** Common open space areas shall:
 - 1.** be exclusive of road rights-of-ways and parking areas;

2. be a minimum of twenty (20) percent of the gross site area.
- b. Common open space may serve recreational purposes, preserve significant site features, and preserve open space. The uses authorized shall be appropriate to the purposes intended to be served. Open space designed to serve recreational purposes shall be appropriate to the scale and character of the development, considering its size, density, expected population, and the number and type of dwelling units proposed.
- c. Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of protection may be left unimproved. The buildings, structures, and improvements to be permitted in the common open space must be appropriate to the uses which are authorized for the common space.

Section 22-166. Open Space Requirement - Ownership

Covenants or other legal arrangements shall specify ownership of the open space, method of maintenance, maintenance taxes and insurance, compulsory membership and compulsory assessment provisions and guarantees that any association formed to own and maintain open space will not be dissolved without the consent of the Zoning Administrator.

Section 22-167. Management of Common Open Space Property

- a. The developer shall insure that the common open space and improvements are maintained and cared for, and the developer shall provide for and establish an organization for the ownership, maintenance and preservation of open space which shall conform to the following standards and procedures:
 1. The organization shall be established by the developer before sale or rental of dwelling units in the development, and prior to final approval of the development plan by the Zoning Administrator.
 2. The financial and organizational structures, rules of membership, and methods of cost assessment of the organization shall be devised to insure the successful fulfillment of the maintenance, preservation and improvement responsibilities of the organization.
 3. The organization responsible for maintenance, preservation, and improvement of common open space lands, and all property owners within the development shall be permitted to participate in such organization.
 4. Areas set aside to meet the open space requirements hereof shall be adequately described. Instruments in the form of deed restrictions and/or covenant shall be provided to insure the purpose for which the open space is provided will be achieved. Said instruments shall be approved by the Zoning Administrator prior to recordation among the Land Records of Essex County.

Section 22-168. Bond for Improvements

Prior to the issuance of a zoning permit, there shall be delivered by the owner or developer some form of surety acceptable to the Town in an amount as specified by the Zoning Administrator, which shall be submitted with the site plan, as described in the Tappahannock Subdivision Regulations, which surety shall secure an agreement to construct such required physical improvements as identified in the Proposed Plan of Development.

Section 22-169. Homeowners Associations

Homeowners associations or similar legal entities that, pursuant to Section 22-165 and 22-167, are responsible for the maintenance and control of common areas, including recreational facilities and open space, shall be established in such a manner that:

- a. Provision for the establishment of the association or similar entity is made before any lot in the development is sold or any building occupied;
- b. The association or similar legal entity has clear legal authority to maintain and exercise control over such common areas and facilities;
- c. The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities.

Section 22-170. Flexibility in Administration Authorized

- a. The requirements set forth in this article concerning the amount, size, location, and nature of recreational facilities and open space to be provided in connection with residential developments are established by the Town as standards that presumptively will result in the provision of that amount of recreational facilities and open space that is consistent with officially adopted Town plans. The Town recognizes, however, that due to the particular nature of a tract of land, or the nature of the facilities proposed for installation, or other factors, the underlying objectives of this article may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the Zoning Administrator is authorized to permit minor deviations from these standards whenever it determines that: (1) the objectives underlying these standards can be met without strict adherence to them; and (2) because of peculiarities in the developer's tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards.
- b. Whenever the Zoning Administrator authorizes some deviation from the standards set forth in this article pursuant to Subsection a., the official record of action taken on the development shall contain a statement of reasons for allowing the deviation.

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ARTICLE XV UTILITIES

Section 22-171. Utility Ownership and Easement Rights

In any case in which a developer installs or causes the installation of water, sewer, electrical power, telephone, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

Section 22-172. Underground Utilities

- a.** All electric power lines (not to include transformers or enclosures containing electrical equipment including, but not limited to, switches, meters, or capacitors which may be pad mounted), telephone, gas distribution, and cable television lines in subdivisions constructed after the effective date of this Ordinance shall be placed underground in accordance with the specifications and policies of the respective utility service providers.
- b.** Whenever an un-subdivided development is hereafter constructed on a lot that is undeveloped on the effective date of this ordinance, then all electric power, telephone, gas distribution, and cable television lines installed to serve the development that are located on the development site outside of a previously existing public street right-of-way shall be placed underground in accordance with the specifications and policies of the respective utility companies.

Section 22-173. Utilities To Be Consistent With Internal and External Development

- a.** Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments, such utility facilities (e.g., water or sewer lines) shall be located and constructed so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service.
- b.** All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

Section 22-174. Electric Service

- a.** Every principal use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such subdivision.

Section 22-175. Lighting Requirements

- a.** Street lights shall be installed in all subdivisions as per specifications provided by Electric

Company and Town.

- b.** All entrances and exits in substantial buildings used for nonresidential purposes and in two-family or multi-family residential developments containing more than four dwelling units shall be adequately lighted to ensure the safety of persons and the security of the buildings.
- c.** Excessive Illumination. Lighting within any lot that unnecessarily illuminates any other lot and substantially interferes with the use or enjoyment of such other lot is prohibited.

Section 22-176. Lighting Standards Guidelines

Site lighting should be designed to eliminate spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the proximity of the light source.

Section 22-177. Sites For and Screening of Dumpsters

- a.** Every new development constructed from the effective date of this ordinance that provides one or more dumpsters for solid waste collection shall provide sites for such dumpsters that are:

 - 1.** Located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way, and
 - 2.** Constructed according to an approved site plan allowing for collection without damage to the development site or the collection vehicle.
- b.** All such dumpsters shall be screened if and to the extent that, in the absence of screening, they would be clearly visible to:

 - 1.** Persons located within any dwelling unit on residential property other than that where the dumpster is located.
 - 2.** Occupants, customers, or employees located within any building on nonresidential property other than that where the dumpster is located.
 - 3.** Persons traveling on any public street, sidewalk, or other public way.

ARTICLE XVI SIGNS

Section 22-178. Effective Date

The effective date of this article as originally adopted, or the effective date of an amendment to it if the amendment makes a sign nonconforming.

Section 22-179. Permit Required for Signs

- a.** Except as otherwise provided in this Article, no sign may be constructed, erected, moved, enlarged, illuminated or altered except in accordance with the provisions of this section. Mere repainting or changing the message of a sign shall, in and of itself, be considered maintenance.
- b.** If site plans submitted for a zoning permit include sign plans in sufficient detail that the Zoning Administrator can determine whether the proposed sign or signs comply with the provisions of this article, then issuance of the requested zoning permit shall constitute approval of the proposed sign or signs.
- c.** Signs not approved as provided in Subsection b. or exempted under the provisions referenced in Subsection a. may be constructed, erected, moved, enlarged, illuminated or altered only in accordance with a sign permit issued by the Zoning Administrator.
 - 1.** Sign permit applications and sign permits shall be governed by the same provisions of this ordinance applicable to zoning permits.
 - 2.** In the case of a lot occupied or intended to be occupied by multiple business enterprises (i.e., a shopping center), sign permits for a freestanding sign shall be issued in the name of the lot owner or his agent rather than in the name of the individual business enterprise requesting a particular sign. The Zoning Administrator may assist the owner by suggesting a formula whereby the maximum square footage of sign area allowed on the lot may be allocated equitably among all tenants, but the Town shall be responsible for enforcing only the provisions of this ordinance and not the provisions of any allocation formula, lease, or other private restriction.
- d.** As applicable, in addition to Town approval, no sign may be attached to a utility pole or highway sign without written consent from the owners of such poles or signs.
- e.** Only the type of signs listed in this Article and described in Article II – Definitions shall be permitted subject to the regulations specifically set forth and all other applicable regulations of this Ordinance.
- f.** Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in Article II shall have the meaning indicated when used in this article.

Section 22-180. Signs Excluded From Regulation

The following signs are exempt from regulation under this Ordinance except for those stated in Subsections 22-190 b. through e. Although these signs do not require the issuance of a permit, no sign may be attached to a utility pole or highway sign without written consent from the owners of such poles or signs.

- a. Residential identification signs in the R-1, R-2, R-3 and R-4 zoning districts.
- b. Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional, or regulatory signs.
- c. Public utility signs.
- d. Flags, pennants, or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device.
- e. Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts, or lights.
- f. Internal directional signs.
- g. Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.
- h. Signs proclaiming religious, political, or other noncommercial messages that do not exceed one per abutting street and 16 square feet in area and that are not internally illuminated.
- i. Hunting, fishing, or trespassing signs.

Section 22-181. Certain Temporary Signs: Permit Exemptions and Additional Regulations

- a. The following temporary signs are permitted without a permit. However, such signs shall conform to the requirements set forth below as well as all other applicable requirements of this ordinance except those contained in Sections 22-179 and 22-190. Unless otherwise noted all temporary signs are allowed within all zoning districts.
 - 1. Signs containing the message that the real estate on which the sign is located (including buildings) is for sale, lease, or rent, together with information identifying the owner or agent. Such signs shall be removed immediately after sale, lease, or rental and are subject to the following conditions.
 - (a) Signs indicating the availability of a single family residence for sale, lease, or rent may not exceed four (4) square feet in area.
 - (b) For undeveloped properties less than three (3) acres in area in the R-1, R-2, R-3, R-4 and RMX districts, a single sign not to exceed sixteen (16) square feet is allowed. For individual lots within a residential subdivision signs are limited to four (4) square feet.

- (c) For undeveloped properties three (3) acres or greater in the R-1, R-2, R-3, R-4 and RMX districts and properties, a single sign not to exceed thirty-two (32) square feet is allowed. For individual lots within a residential subdivision signs are limited to four (4) square feet.
 - (d) For properties in the CC-1 district a single sign not to exceed four (4) square feet is allowed.
 - (e) For properties in the CG-2, BP, and I-1 districts. A single sign not to exceed thirty-two (32) square feet is allowed.
- 2. Temporary construction site identification signs
- 3. Temporary holiday display or signs.
- 4. Temporary election signs.
- 5. Temporary special event signs in the CC-1, CG-2, and I-1 Zoning Districts.
- 6. Banners in the CC-1, CG-2, and I-1 Zoning Districts.
- 7. Temporary For Sale Signs.
- 8. Temporary Yard/Garage/Estate Sale signs.
- 9. Home Occupation Signs provided that the activity has received special exception with conditions.
- b. Other temporary signs not listed in Subsection a. shall be regarded and treated in all respects as permanent signs, except that (as provided in Section 22-184) temporary signs shall not be included in calculating the total amount of permitted sign area.

Section 22-182. Determining the Number of Signs

- a. For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign.
- b. A two-sided or multi-sided sign shall be regarded as one sign so long as:
 - 1. With respect to a V-type sign, the two sides are at no point separated by a distance that exceeds five feet; and
 - 2. With respect to double faced (back to back) signs, the distance between the backs of each face of the sign does not exceed three feet.

Section 22-183. Computation of Sign Area

- a. The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.
- b. If the sign consists of more than one section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area for wall mounted or building signs. For freestanding signs that consist of more than one section or module, the computation of the sign area shall conform to paragraph A of this section for each individual section or module, but not including any supporting framework or bracing that is clearly incidental to the display itself.
- c. With respect to two-sided, multi-sided, or three-dimensional signs, the sign surface area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point. Without otherwise limiting the generality of the foregoing:
 1. The sign surface area of a double faced, back to back sign shall be calculated by using the area of only one side of such sign, so long as the distance between the backs of such signs does not exceed three (3) feet.
 2. The sign surface area of a double faced sign constructed in the form of a "V" shall be calculated by using the area of only one side of such sign (the larger side if there is a size difference), so long as the angle of the "V" does not exceed thirty (30) degrees and at no point does the distance between the backs of such sides exceed five (5) feet.

Section 22-184. Total Building Sign Surface Area

- a. Unless otherwise provided in this article, the total surface area devoted to all building signs on any lot shall not exceed the limitations set forth in this section and in sections 22-195 and 22-196, and all signs including temporary signs shall be included in this calculation.
- b. If a lot has frontage on more than one street, then the total sign surface area permitted on that lot shall be the sum of the sign surface area allotments related to each street on which the lot has frontage. However, the total sign surface area that is oriented toward a particular street may not exceed the portion of the lot's total sign surface area allocation that is derived from frontage on that street.

Section 22-185. Freestanding Sign Surface Area

- a. Unless otherwise provided in this article, the total surface area devoted to all free-standing signs on any lot shall not exceed the limitations set forth in this section and in Section 22-195 and 22-196,

and all signs including temporary signs shall be included in this calculation.

- b.** For purposes of this section, a side of a free-standing sign is any plan or flat surface included in the calculation of the total sign surface area as providing Section 22-183. For example, wall signs typically have one side. Freestanding signs typically have two sides (back to back), although four-sided and other multi-sided signs are also common.
- c.** In no case may a single side of a freestanding sign exceed fifty (50) square feet in surface area if the lot on which the sign is located has less than two hundred (200) feet of frontage on the street toward which that sign is primarily oriented, seventy-five (75) square feet on lots with two hundred (200) or more but less than four hundred (400) feet of frontage, and one hundred (100) square feet on lots with four hundred (400) or more feet of frontage.
- d.** With respect to freestanding signs that have no discernible sides, such as spheres or other shapes not composed of flat planes, no such freestanding sign may exceed the maximum total surface area allowed under Subsections b. or c. for a single side of a freestanding sign.
- e.** To encourage the reduction in height of freestanding signs, an increase of twenty (20) percent of the sign area permitted in the base zone will be allowed if a freestanding sign is no more than seven (7) feet.

Section 22-186. Number of Freestanding Signs

- a.** Except as authorized by this Article, no development may have more than one freestanding sign.

Section 22-187. Subdivision and Multi-Family Entrance Signs

A residential subdivision or multi-family development may have up to two (2) signs identifying such subdivision or development. Such signs are not internally illuminated and may not exceed thirty-two (32) square feet if only one sign is utilized. If two signs are utilized neither sign may exceed sixteen (16) square feet in area.

Section 22-188. Location and Height Requirements

- a.** No sign may extend above any parapet or be placed upon any roof surface. This subsection shall not apply to displays, including lighting, erected in connection with the observation of holidays on the roofs of residential structures.
- b.** No building sign attached to a building may project more than twelve (12) inches from the building wall.
- c.** No sign or supporting structure may be located in or over the traveled portion of any public right-of-way unless the sign is attached to a structural element of a building and an encroachment permit has been obtained from the Town and the Virginia Department of Transportation.

- d. No part of a freestanding sign may exceed a height, measured from ground level (not including artificial berms), of twenty-five (25) feet in the CG-2 and BP Business Park districts and fifteen (15) feet in all other districts.
- e. No sign shall obstruct a clear view to and from traffic along any street right-of-way entrance or exit.

Section 22-189. Sign Illumination and Signs Containing Lights

- a. Unless otherwise prohibited by this ordinance, signs may be illuminated if such illumination is in accordance with this section.
- b. No sign within one hundred fifty (150) feet of a residential zone may be illuminated between the hours of midnight and 6 a.m., unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential.
- c. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises.
- d. Except as herein provided, internally illuminated signs are not permissible in any residential districts. This subsection shall not apply to the following types of signs:
 - 1. Signs that constitute an integral part of a vending machine, telephone booth, or similar device whose principal function is not to convey an advertising message.
 - 2. Signs that do not exceed two (2) square feet in area and that convey the message that a business enterprise is open or closed or that a place of lodging does or does not have a vacancy.
- e. Subject to Subsection g., illuminated tubing or strings of lights that outline property lines, sales areas, roof lines, doors, windows, or similar areas are prohibited unless the lighting is an integral part of the sign design or building design, subject to Zoning Administrator approval.
- f. Subject to Subsection g., no sign may contain or be illuminated by flashing, scrolling, or intermittent lights or lights of changing degrees of intensity, except signs primarily indicating the time, date or weather conditions. Such signs must meet requirements of the Virginia Department of Transportation
- g. Subsections e. and f. do not apply to temporary signs erected in connection with the observance of holidays.

Section 22-190. Miscellaneous Restrictions and Prohibitions

- a. No off-premises signs (except those exempted from regulation or from permit requirements under Sections 22-180 or 22-181) may be located in any district other than the GC-2 and BP districts. Off-premises signs shall not exceed twenty-five (25) feet in height and shall not be any larger than fifty (50) square feet in total sign area.

- b. No sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.
- c. Signs that revolve or are animated or that utilize movement or apparent movement to attract the attention of the public are prohibited.
- d. No sign may be erected so that by its location, color, size, shape, nature, or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.
- e. Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property.
- f. In addition to the other provisions of this article, all signs in the Town may be subject to the following additional design standards:
 - 1. Every sign shall have good scale and proportion in its visual relationship to buildings and surroundings.
 - 2. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
 - 3. The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
 - 4. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the sign face.
 - 5. Each sign shall be compatible with the signs on adjoining premises and shall not compete for attention.
 - 6. Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.
- g. The Zoning Administrator may require landscaping and additional provisions for freestanding signs not of a temporary nature,
- h. The Zoning Administrator may determine if proposed new signs meet the performance standards set forth in Subsection f.

Section 22-191. Maintenance of Signs

- a. All signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair. With respect to freestanding signs, components (supporting structures, backs, etc.) not bearing a message shall be constructed of materials that blend with the

natural environment or shall be painted a neutral color to blend with the natural environment.

- b. If the message portion of a sign is removed, leaving only the supporting "shell" of a sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within thirty (30) days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to prevent the changing of the message of a sign.

Section 22-192. Unlawful Cutting of Trees or Shrubs

No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:

- a. Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the agency having jurisdiction over the streets.
- b. On property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located;
- c. In any area where such trees or shrubs are required to remain under a permit issued under this ordinance.

Section 22-193. Nonconforming Signs

- a. Subject to the remaining restrictions of this section, nonconforming signs that were otherwise lawful on the effective date of this article may be continued.
- b. Signs lawfully existing after the effective date of this article, which do not conform to the provisions of this article, and signs, which are accessory to a nonconforming use, shall be deemed to be nonconforming signs. Such signs shall not be enlarged, extended or structurally altered, or reconstructed. No nonconforming sign shall be moved on the same site.
- c. The message of a nonconforming sign may be changed so long as this does not create any new nonconformities (for example, by creating an off-premises sign under circumstances where such a sign would not be allowed).
- d. If a nonconforming sign other than a billboard advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall be removed within one hundred eighty (180) days after such abandonment by the sign owner, owner of the property where the sign is located, or other person having control over such sign.
- e. If a nonconforming billboard remains blank for a continuous period of one hundred eighty (180) days, that billboard shall be deemed abandoned and shall, within thirty (30) days after such

abandonment, be altered to comply with this article or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this section, a sign is "blank" if:

1. It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or
2. The advertising message it displays becomes illegible in whole or substantial part; or
3. The advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed.

Section 22-194. Exception for Historic, Unique, or Visually Significant Signs

- a. Other than safety and structural requirements, the provisions of the sign ordinance may be waived by the Town Council for historic or unique signs upon application for relief by the sign owner or by a Town-initiated application.
- b. Upon filing of said application, the Planning Commission and/or Board of Zoning Appeals may declare a sign or group of signs to be "historic" or "unique" by making findings according to the guidelines below. Notwithstanding safety, maintenance, or structural regulations contained in this ordinance, a sign so designated shall be deemed to conform with this Article.
- c. Historic or unique sign guidelines. Signs or districts of signs may be so designated upon the finding that they exhibit unique characteristics that enhance the streetscape of the historic identity of the Town or neighborhood. The sign shall be found to be an animated sign, historic sign, or landmark sign, the continued existence of which is encouraged and is beneficial to the public good. Such a sign contributes to the historical or cultural character of the streetscape and the community at large.
- d. Nothing in this section shall prohibit the owner of a designated sign from removing such sign.

Section 22-195. Signs to Be Used on Parcels of Commercial or Business Park Property with Multiple Uses.

- a. A free-standing sign to be used on a parcel of commercial or business park property with multiple uses and a name distinct from that of any occupant, such as a shopping center or industrial park, shall be used only to identify the center or park and or a register to identify the multiple uses.
- b. The sign area in the section or module of a free-standing sign that identifies the commercial or business park property shall in no case exceed fifty (50) square feet in surface area if the property on which the sign is located has less than two hundred (200) feet of frontage on the street toward which that sign is primarily oriented, seventy-five (75) square feet on property with two hundred (200) or more but less than four hundred (400) feet of frontage, and one hundred (100) square feet on property with four hundred (400) or more feet of frontage.
- c. Structures less than ten thousand square feet (10,000) of commercial or business park property

with multiple uses shall be limited to the freestanding sign requirements for square footage and height for the zoning district in which they are located as set forth in Sections 22-196 and 197.

- d. The sign area used to identify and or a register of the multiple uses within a commercial or business park property shall in no case exceed one hundred (100) square feet. The Zoning Administrator may assist the owner by suggesting a formula whereby the maximum square footage of sign area allowed on the property may be allocated equitably among all tenants, but the town shall be responsible for enforcing only the provisions of this ordinance and not the provisions of any allocation, lease or other private restrictions.
- e. Should the property owner or his agent elect to reduce the allowable square footage in the section or module of a free-standing sign that identifies the commercial or business park property, the remaining allowable square footage may be allocated to that portion of the sign used to identify and or register the multiple uses.
- f. Individual shops in a Commercial or Business Park Property with multiple uses may have one (1) building sign per unit not to exceed one hundred (100) square feet. In addition to the above, if a store has no visible street frontage, one identification sign not to exceed ten (10) square feet in size, may be located on the side or rear of the building to identify the tenant.
- g. Where a Commercial or Business Park Property with multiple uses has over one thousand (1,000) feet of total street frontage, the allowable signage may be divided between two (2) free-standing structures.

Section 22-196. Maximum Total Sign Area by Zoning District

Total Maximum Sign Area for signs requiring a permit shall not exceed the following:

Maximum total square feet per sign	R-1	R-2	R-3	R-4	CC-1	CG-2	RMX	BP	I-1
Freestanding	3	3	3	3	*50	*50	3	250	250
Building	3	3	3	3	32	100	3	50	75
Billboard	-	-	-	-	-	50	-	50	-
Church Bulletin Board or Identification	16	16	16	16	16	16	16	16	16
Directional – Off Premises and On Premises	4	4	4	4	4	4	4	4	4
Marquee	-	-	-	-	32	50	-	75	75
Menu	-	-	-	-	25	25	-	-	-
Sandwich	-	-	-	-	8	8	-	8	8
Shopping Center/Industrial Park/Business Park Identification	-	-	-	-	**	**	-	**	***
Total Number of Signs Allowed	R-1	R-2	R-3	R-4	CC-1	CG-2	RMX	BP	I-1
Freestanding	-1	-1	-1	-1	1	1	1	1	1
Building (per street frontage)	1	1	1	1	1	2	1	2	2
Billboard	-	-	-	-	-	1	-	1	-
Church Bulletin Board or Identification (per street frontage)	1	1	1	1	1	1	1	1	1
Directional – Off Premises and On Premises	1	1	1	1	1	1	1	1	1
Marquee (per street frontage)	-	-	-	-	1	2	-	4	4
Menu	-	-	-	-	2	2	-	-	-
Sandwich	-	-	-	-	1	1	-	8	8
Shopping Center/Industrial Park/Business Park Identification	-	-	-	-	**	**	-	**	**

* See Section 22-185

** See Section 22-195

Section 22-197. Permitted Signs by Type and Zoning District

Sign Type/District	R-1	R-2	R-3	R-4	CC-1	CG-2	RMX	BP	I-1
Free-standing	Z	Z	Z	Z	Z	Z	Z	Z	Z
Building Sign Banner	N	N	N	N	Z	Z	N	Z	Z
Building Marker	Z	Z	Z	Z	Z	Z	Z	Z	Z
Canopy	N	N	N	N	Z	Z	N	Z	Z
Directional	Z	Z	Z	Z	Z	Z	Z	Z	Z
Identification	Z	Z	Z	Z	Z	Z	Z	Z	Z
Marquee	N	N	N	N	Z	Z	N	Z	Z
Projecting	N	N	N	N	Z	Z	N	Z	Z
Residential	Z	Z	Z	Z	N	N	Z	N	N
Roof	N	N	N	N	N	N	N	N	N
Roof, Integral	N	N	N	N	Z	Z	N	Z	Z
Suspended	N	N	N	N	Z	Z	N	Z	Z
Temporary	Z	Z	Z	Z	Z	Z	Z	Z	Z
Wall	N	N	N	N	Z	Z	N	Z	Z
Window	N	N	N	N	Z	Z	N	Z	Z
Miscellaneous Signs Banner	N	N	N	N	N	N	N	Z	Z
Flag	Z	Z	Z	Z	Z	Z	Z	Z	Z
Portable	N	N	N	N	N	N	N	N	N

Z=Allowed only with zoning permit

N=Not allowed

Section 22-198. Reserved

ARTICLE XVII PARKING

Part I Parking

Section 22-199. Number of Parking Spaces Required

- a. All developments in all zoning districts shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question.
- b. The presumptions established by this article are that: (1) a development must comply with the parking standards set forth in Subsection e. to satisfy the requirement stated in Subsection a., and (2) any development that does meet these standards is in compliance. However, the Table of Parking Requirements is only intended to establish a presumption and should be flexibly administered, as provided in Section 22-200.
- c. All off-street parking spaces required to serve buildings or a use erected or established after the effective date of this Ordinance shall be located on the same zoning lot as the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of a non-residential use or where spaces are provided collectively or used jointly by two (2) or more non-residential buildings or establishments, the required spaces may be located off site and maintained as set forth in Sections 22-200, 22-205, and 22-206.
- d. The Town recognizes that the Table of Parking Requirements set forth in Subsection e. cannot and does not cover every possible situation that may arise. Therefore, in cases not specifically covered, the permit-issuing authority is authorized to determine the parking requirements using this table as a guide.

e. Table of Minimum Parking Requirements

USE	OFF-STREET PARKING REQUIREMENT
Residential	
Single Family Detached Unit	2 Spaces
Multi-Family, Attached	
1 Bedroom	1.8 Spaces
2 Bedroom	2 Spaces
3 Bedroom	2.1 Spaces
Townhouse	
1 Bedroom	2.25 Spaces 2 Spaces*
2 Bedroom	2.5 Spaces 2.25 Spaces*
3 Bedroom	2.75 Spaces 2 Spaces*
Mobile Home	
1 Bedroom	1.8 Spaces
2 Bedroom	2 Spaces
Elderly Housing	1 Space per unit
Rooming Boarding House	1 Space per room
Non-Residential	
Assembly Hall	1 Space per every 100 sq. ft. GFA
Amusement Park	10 Spaces per ride or activity area

USE	OFF-STREET PARKING REQUIREMENT
Appliance/Hardware Store	2 Spaces per 1,000 sq. ft. GFA, plus 1 space per every 300 sq. ft. GFA over 1,000 sq. ft. GFA
Art Gallery	1 Space per 500 sq. ft. GFA
Auditorium	1 Space per 6 permanent seats
Bar	1 Space per 2 seats
Beauty Parlor	3 Spaces per chair
Bed and Breakfast	1 Space per guest room plus 2 spaces per owner's unit
Bowling Alley	4 Spaces per Alley
Bank	4 Spaces per every 1,000 sq. ft. GFA
Car Wash	3 Spaces per self service bay, 5 Spaces per automated bay
Church/Synagogue	1 Space per 3 seats
Convenience Store	1.4 Spaces per every 1,000 sq. ft. GFA
Day Care Center	1 Space per 7 children, plus 1 space per staff person
Equipment Sales/Service Shop/Wholesale	2 Spaces per every 1,000 sq. ft. GFA, plus 1 space per every 300 sq. ft. GFA over 1,000 sq. ft.
Express Delivery Service	1 Space per two employees on maximum shift, plus 1 space per each vehicle maintained in the premises
Fast Food Restaurant With or Without Drive-Through Facilities	1 Space per 4 seats, plus 1 space per 2 employees on maximum shift. With drive-through facility, add 11 stacking spaces for the drive-through window with five (5) such spaces at ordinary stations
Fiduciary Institutions	1 Space per 300 sq. ft. GFA
Finishing Operations	1 Space per 300 sq. ft. GFA
Funeral Homes	1 Space per 4 permanent seats, or 1 space per 30 sq. ft. GFA
Furniture Stores	1 Space per 500 sq. ft. GFA, plus 1 space per employee on maximum shift
Golf Course	6 Spaces per hole
Group Homes	1 Space per staff person, plus 1 space per 2 occupants
Health Club	10 Spaces per 1,000 sq. ft. GFA, plus 1 space per every 2 employees, and 1 space per every 3 beds, and 1 space per each employee on maximum working shift (minimum of 5 spaces)
Hospital	2 Spaces per bed or 1 space per 150 sq. ft. GFA, whichever is greater
Hotel/Motel	1 Space per room, plus 1 space per employee on maximum work shift, plus 1 space per each 200 sq. ft. GFA
Industrial	1 Space per 800 sq. ft. GFA
Library	1 space per 300 sq. ft. GFA
Marina	0.5 Spaces per slip
Manufacturing/Warehouse	1 Space per 800 sq. ft. GFA or 1.5 spaces per each employee on a maximum work shift, plus 1 space per each truck or vehicle used in connection therewith, whichever is greater
Medical Center	1 Space per 250 sq. ft. GFA
Miniature Golf	1.5 Spaces per hole
Nightclub	1 Space per 2 seats
Nursing Home	1 Space per 2 beds
Offices	
Under 49,999 sq. ft. GFA	4.5 Spaces per 1,000 sq. ft. GFA

USE	OFF-STREET PARKING REQUIREMENT
50,000 – 999,999 sq. ft. GFA	4 Spaces per 1,000 sq. ft. GFA
100,000+ sq. ft. GFA	3.5 Spaces per 1,000 sq. ft. GFA
Pool or Billiard Hall	4 Spaces per 1,000 sq. ft. GFA
Post Office	1 Space per 600 sq. ft. GFA plus 1 space per employee
Racquetball Courts	2 Spaces per court
Receiving Centers	1 Space per 5,000 sq. ft. GFA
Research Centers	1 Space per 1,000 sq. ft. GFA
Restaurant	1 Space per 3 seats
Retail Store	1 Space per 200 sq. ft. GFA
Schools	
Elementary	2 Spaces per classroom, but not less than 1 per teacher and staff
Intermediate	1.5 Spaces per classroom but not less than 1 per teacher and staff
Secondary	5 Spaces per classroom
Service Station	4 Spaces per bay and work area
Shipping Center	1 Space per 5,000 sq. ft. GFA
Shopping Center	
Regional	5 Spaces per 1,000 sq. ft. GFA
Community	7 Spaces per 1,000 sq. ft. GFA
Neighborhood	10 Spaces per 1,000 sq. ft. GFA
Storage Areas	1 Space per 5,000 sq. ft. GFA
Self Storage Facility	1 Space per 20 storage stalls
Super Market	3 Spaces per 1,000 sq. ft. GFA
Swimming Pool	1 Space per 4 persons, up to capacity
Veterinary Offices	1 Space per 400 sq. ft. floor space in office, with a 4 space minimum
Zoo	1 Space per 2,000 sq. ft. of land area
<p>Table Notes</p> <p>GFA = Gross Floor Area</p> <p>GLA = Gross Leasible Area</p> <p>When determination of the number of parking spaces required results in a requirement of a fractional space, any fraction shall be counted as one parking space.</p> <p>* Parking Bonuses that can be obtained upon negotiation with the Planning Commission relative to on-street alley or rear parking.</p>	

Section 22-200. Flexibility in Administration Required

- a. The Town of Tappahannock recognizes that, due to the particularities of any given development, the inflexible application of the parking standards set forth in Article XVII may result in a development either with inadequate parking space or parking space far in excess of its needs. Alternative off-street parking standards may be accepted if the applicant can demonstrate that such standards better reflect local conditions and needs (i.e. a residential development is irrevocably oriented toward the elderly or a business is primarily oriented to walk-in trade, sufficient availability of designated on street parking, etc.).
- b. Whenever the permit-issuing authority allows or requires a deviation from the parking requirements

set forth in Subsection 22-199 e., it shall enter on the face of the permit the parking requirement that it imposes and the reasons for allowing or requiring the deviation.

- c. If the permit-issuing authority concludes, based upon information it receives in the consideration of a specific development proposal, that the presumption established by Section 22-199.e. for a particular use classification is erroneous, it shall initiate a request for an amendment to the Table of Parking Requirements in accordance with the procedures set forth in Article XIX.

Section 22-201. Parking Space Dimensions

- a. Subject to Subsections b. and c., each parking space shall contain a rectangular area at least nineteen (19) feet long and nine (9) feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this section.
- b. In parking areas containing ten (10) or more parking spaces, up to twenty (20) percent of the parking spaces may be seven and one-half (7 ½) feet in width by fifteen (15) feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.
- c. Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than twenty-two (22) feet by nine (9) feet.
- d. Each handicapped parking space shall be at least nineteen (19) feet long and thirteen (13) feet wide. (See Section 22-209 also.)

Section 22-202. Required Widths of Parking area Aisles and Driveways

- a. Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking.

Aisle Width	Parking Angle				
	0°	30°	45°	60°	90°
One-Way Traffic	15	15	15	18	24
Two-Way Traffic	20	20	20	23	24

- b. Driveways shall be not less than ten (10) feet or exceed fifteen (15) feet in width for one-way traffic and less than eighteen (18) feet or exceed thirty (30) feet in width for two-way traffic, except that ten (10) feet wide driveways are permissible for two-way traffic when (i) the driveway is not longer than fifty (50) feet, (ii) it provides access to not more than six (6) spaces, and (iii) sufficient turning space is provided so that vehicles need not back into a public street.

Section 22-203. General Design Requirements

- a. Unless no other practicable alternative is available vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two dwelling units, although backing onto arterial streets is discouraged.
- b. Vehicle accommodation areas of all development shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.
- c. Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.
- d. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.
- e. Any lighting used to illuminate off-street parking areas shall be arranged so as to reflect away from any adjoining residential zone or uses and any public or private right-of-way.
- f. A "sight triangle" shall be observed within a triangle formed by the intersection of the street lines and points on the street line fifteen (15) feet from the intersection at all street intersection or intersections of driveways with streets.
- g. All parking areas shall be drained so as to dispose of all surface water within the parking area without carrying the said water accumulation over a public sidewalk. Piping the water to a suitable outfall may be required.
- h. Permanent storm water retention shall be provided for all off-street parking areas as required in by the Town of Tappahannock.
- i. No required off-street parking space in any residential zone shall be located within any required front yard or side street side yard area except that parking in driveways for up to two (2) spaces is permitted.
- j. Additional parking in residential zones: Provided the above parking (Subsection i) has been met, additional parking shall be permitted in the required front yards or side street side yard, provided the following setback requirements are met:

<u>Zone</u>	<u>Front Yard Setback</u>	<u>Side Street Side Yard Setback</u>
R-1	15'	8'
R-2	15'	8'
R-3	10'	4'

- k. The percentage of coverage of permitted parking areas and driveways in any residential zone shall not exceed fifty (50) percent of the total required front yard or side street side yard.

- l.** Off-street parking facilities may be located within the required front yard of any commercial, office/residential, or industrial zone. But shall not be nearer than fifty (50) feet to any residential district.
- m.** No gasoline pump, oil draining pit, or similar appliance for any purpose shall be located within fifteen (15) feet of any right-of-way or within fifty (50) feet of a residential zone, except where such a pump, pit, or appliance is within a completely enclosed building and distant at least fifty (15) feet from any vehicular entrance or exit of such building. Except for gasoline service stations, no gasoline pumps shall be permitted as an accessory use for another activity unless a site plan is submitted to and approved by the Zoning Administrator.

Section 22-204. Vehicle Accommodation Area Surfaces

- a.** Vehicle accommodation areas that (1) include lanes for drive-in windows or (2) contain parking areas that are required to have more than ten (10) parking spaces and that are used regularly at least five days per week shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion, and dust. Specifications for surfaces meeting the standard set forth in this subsection are contained in Appendix D.
- b.** Vehicle accommodation areas that are not provided with the type of surface specified in Subsection (a) shall be graded and surfaced with crushed stone, gravel, or other suitable material (as provided in the specifications set forth in Appendix D) to provide a surface that is stable and will help to reduce dust and erosion. The perimeter of such parking areas shall be defined by bricks, stones, railroad ties, or other similar devices. In addition, whenever such a vehicle accommodation area abuts a paved street, the driveway leading from such street to such area (or, if there is no driveway, the portion of the vehicle accommodation area that opens onto such streets), shall be paved as provided in Subsection (a) for a distance of fifteen (15) feet back from the edge of the paved street. This subsection shall not apply to single-family or two-family residences or other uses that are required to have only one or two parking spaces.
- c.** Parking spaces in areas surfaced in accordance with Subsection a. shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced in accordance with Subsection b. shall be demarcated whenever practicable.
- d.** Vehicle accommodation areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, vehicle accommodation area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

Section 22-205. Joint Use of Required Parking Spaces

- a.** One parking area may contain required spaces for several different uses, but except as otherwise provided in this section, the required space assigned to one use may not be credited to any other use.
- b.** To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a parking lot is used

in connection with an office building on Monday through Friday but is generally ninety (90) percent vacant on weekends, another development that operates only on weekends could be credited with ninety (90) percent of the spaces on that lot. Or, if a church parking lot is generally occupied only to fifty (50) percent of capacity on days other than Sunday, another development could make use of fifty (50) percent of the church lot's spaces on those other days.

- c. If the joint use of the same parking spaces by two or more principal uses involves satellite parking spaces, then the provisions of Section 22-206 are also applicable.
- d. In the case of mixed uses (with different parking requirements occupying the same building or premises) or in the case of a joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately, except that parking requirements for permitted accessory retail and service uses in a hotel, motel, or motor lodge that contains fifty (50) or more dwelling units may be reduced by the following percentages:
 - 1. Retail sales, offices, service establishments, fifty (50) percent
 - 2. Restaurants and dining rooms, seventy-five (75) percent
 - 3. Ballrooms, banquet halls, meeting rooms, auditoriums, eighty (80) percent.
- e. Off-street parking areas required for residential use shall not be included in any joint parking arrangement.

Section 22-206. Satellite Parking

- a. If the number of off-street parking spaces required by this ordinance cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to in this section as satellite parking spaces.
- b. All such satellite parking spaces (except spaces intended for employee use) must be located within four hundred (400) feet of a public entrance of a principal building housing the use associated with such parking, or within four hundred (400) feet of the lot on which the use associated with such parking is located if the use not housed within any principal building. Satellite parking spaces intended for employee use may be located within any reasonable distance. No more than forty (40) percent of the total required spaces are to be located in satellite parking spaces.
- c. The developer wishing to take advantage of the provisions of this section must present satisfactory written evidence that he has the permission of the owner or other person in charge of the satellite parking spaces to use such spaces. The developer must also sign an acknowledgement that the continuing validity of his permit depends upon his continuing ability to provide the requisite number of parking spaces.
- d. All satellite parking spaces shall be located in the same zoning district as the structures or uses served.

- e. Satellite parking spaces shall be used solely for the parking of passenger automobiles, van or pickups. No commercial repair work or service of any kind shall be conducted, and no charge shall be made for parking. No sign of any kind, other than designating ownership, entrances, exits, and conditions of use, shall be maintained on such satellite parking areas.
- f. Each entrance and exit to and from such parking area shall be at least twenty (20) feet distant from any adjacent lot line located in any residential zone.
- g. The satellite parking areas shall be subject to all requirements of this ordinance concerning surfacing, lighting, drainage, landscaping, screening, and setbacks.

Section 22-207. Special provisions For Lots With Existing Buildings

- a. Any physical enlargement of a structure shall mean the addition of dwelling units, gross floor area, or any other unit measurement used as a basis for determining required parking facilities. When the physical enlargement of any structure is increased, parking facilities shall be provided for the increase, but not for any existing deficiency in such facilities.
- b. When the use of any structure or premises is changed to a different use, including any increase in employees or seating capacity, parking facilities shall be provided for the different use to the extent possible.
- c. Notwithstanding any other provisions of this ordinance, whenever (1) there exists a lot with one or more structures on it constructed before the effective date of this ordinance, and (2) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (3) the parking requirements of Section 22-199 that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking, then the developer need only comply with the requirements of Section 22-199 to the extent the (1) parking space is practicably available on the lot where the development is located, and (2) satellite parking space is reasonably available as provided in Section 22-205. However, if satellite parking subsequently becomes reasonably available, then it shall be a continuing condition of the permit authorizing development on such lot that the developer obtain satellite parking when it does become available.

Section 22-208. Loading and Unloading Areas

- a. Subject to Subsection e., whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner.
- b. The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question. The following table indicates the number and size of spaces that, presumptively, satisfy the standard set forth in this subsection. However, the permit-issuing authority may require more or less loading

and unloading area if reasonably necessary to satisfy the foregoing standard.

Gross Leasable Area of Building	Number of Spaces*
1,000- 19,000	1
20,000- 79,999	2
80,000-127,999	3
128,000-191,000	4
192,000-255,999	5
256,000-319,999	6
320,000-391,999	7

Plus one (1) space for each additional seventy two thousand (72,000) square feet or fraction thereof.

*Minimum dimensions of twelve (12) feet x fifty-five (55) feet and overhead clearance of fourteen (14) feet from street grade required.

- c. Loading and unloading areas shall be so located and designed that the vehicles intended to use them can (1) maneuver safely and conveniently to and from a public right-of-way, and (2) complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.
- d. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking be used to satisfy the area requirements for loading and unloading facilities.
- e. Whenever (1) there exists a lot with one or more structures on it constructed before the effective date of this ordinance, and (2) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (3) the loading area requirements of this section cannot be satisfied because there is not sufficient area available on the lot that can practicably be used for loading and unloading, then the developer need only comply with this section to the extent reasonably possible.
- f. No such space shall be located closer than fifty (50) feet to any other lot in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted board fence not less than six (6) feet in height.

Section 22-209. Parking facilities for the Physically Handicapped

- a. Location. Parking spaces for the physically handicapped shall be located as close as possible to ramps, walkways, entrances, and elevators. Where feasible, these parking spaces shall be located so that the physically handicapped are not forced to wheel or walk across main traffic lanes or behind parked cars to reach the ramps, and other facilities. The spaces shall be situated in those areas of the parking lots located nearest to each primary building entrance.
- b. Each handicapped parking space shall contain a rectangular area of at least nineteen (19) feet long and thirteen (13) feet wide.

- c. Required Number of Spaces. The following number of parking spaces shall be reserved for the physically handicapped:

<u>Total Parking Spaces in Lot</u>	<u>Required Minimum Number</u>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 % of Total
Over 1,000	20, plus 1 for each 100 over 1,000

- d. Identification. Parking spaces for the physically handicapped shall be identified by signs, generally located eight (8) feet above grade. The signs shall state that the space is reserved by law for the physically handicapped. Where these signs are placed flush against buildings or structures, or in other locations not accessible to vehicular or pedestrian traffic, the height may be reduced to six (6) feet.

- e. Curbs.

1. Where a curb exists between a parking lot and a sidewalk, a horizontally scored ramp or curb cut shall be provided for wheelchair access.
2. The curb cut shall not be less than four (4) feet wide and shall have a grade of not more than one (1) foot in twelve (12) feet.
3. Curb cuts shall be provided within thirty (30) feet of each accessible entrance to the structure, at all pedestrian walk intersections, and elsewhere to provide reasonably direct circulation within each development.
4. The curb cuts shall not be more than one hundred fifty (150) feet apart.

- f. Sidewalks.

1. Sidewalks shall be scored or textured to indicate the location of doors to blind persons.
2. Exterior sidewalks shall not be obstructed.
3. Exterior sidewalks shall have a side slope not greater than one (1) inch in four (4) feet. They shall be at least four (4) feet wide and have a grade of not more than (1) foot in twenty (20) feet.
4. Wherever sidewalks cross driveways, parking lots, or other sidewalks, they shall blend to a

common level.

- g.** Storm Drains. Storm drain grates and similar devices shall not be located within the required access for the physically handicapped.
- h.** Grade. The grade of parking spaces for the physically handicapped shall not be more than one (1) foot in twenty (20) feet.

Part II Landscaping of Parking Facilities

Section 22-210. Intent

- a.** It is intended that the application of the landscape standards set forth below will reduce the visual and environmental impacts of large expanses of parking areas. Breaking up of paved parking areas with plantings will provide improved aesthetics and micro-climatic benefits by reducing heat and glare.

Section 22-211. Sites Affected

- a.** New sites. No new parking areas shall hereafter be constructed or used unless landscaping is provided as required by the provision of this Article.
- b.** Existing sites. No parking areas shall be expanded, moved, or removed and/or reconstructed unless the minimum landscaping required by the provision of this Article is provided for the property to the extent of its alteration or expansion, but not for the entire property.
- c.** Change of zone. No use of an existing building, structure, or vehicular use area shall be commenced subsequent to a change in zoning unless property perimeter landscaping as required herein has been provided.

Section 22-212. Perimeter Landscaping

- a.** Property line landscape buffers between adjacent land uses shall be provided in accordance to the requirements spelled out in the landscape and land use buffer article of this ordinance.
- b.** Any parking lot that is adjacent to a road or public right-of-way shall provide a landscaping area width based upon the following right-of-way width:
 - 60 feet wide or less: 10 foot minimum landscape area width
 - More than 60 feet wide: 15 foot minimum landscape area width.
- c.** The Zoning Administrator may allow deviations from this requirement when it finds that the site in question exhibits irregular, confining, or otherwise unusual characteristics. In no case shall the required landscape area width be less than five (5) feet.

- d. Where the pavement width of the parking lot exceeds sixty (60) feet, the landscape area adjacent to a road or public right-of-way shall be as indicated in the following table:

<u>Parking Lot Width</u>	<u>Required Landscape Area Width</u>
1-60 ft.	15 ft.
61-120 ft.	20 ft.
121-180 ft.	25 ft.
181-240 ft.	30 ft.
241-300 ft.	35 ft.
301-360 ft.	40 ft.
361-420 ft.	45 ft.

- e. Each landscape area adjacent to a street right-of-way shall contain a minimum of one (1) tree per forty (40) feet of landscape area parallel to the right-of-way. In addition, a vegetative screen, landscaped berm, fence, wall, or other methods to reduce the visual impact of the parking area shall be provided. The vegetative screen shall have an average continuous height of three (3) feet. A three (3) foot decrease in elevation from the adjoining property to the street right-of-way shall be construed as satisfying the vegetative screen requirement.
- f. Grass or ground cover shall be planted on all portions of the landscape area not occupied by other landscape material.
- g. Special notes on existing natural vegetation:
1. In all cases where significant natural vegetation exists, as determined by the Zoning Administrator, there will be limits of clearing/grading areas established to protect and preserve these natural area. These natural areas will not be disturbed by the installation of any structures, utilities, storm and sanitary sewers, water lines, sediment and erosion control traps, stormwater management systems, signage. Existing landscape material which is proposed to be used to fulfill landscape requirements shall be shown in the required plan.
 2. In the case where buffers are created by the application of these standards, no structures, utilities, storm and sanitary sewers, water lines, sediment and erosion control traps, stormwater management systems, and signage will be permitted.
 3. Where pedestrian and bike paths are proposed in the landscape area, such paths shall be meandering in order to preserve the existing trees.
- h. Landscaping in Easements. The required landscape area for parking areas may be combined with a utility or other easement only if all landscape requirements can be met. Otherwise, the landscape area shall be in addition to, and separate from, any easement.
- i. In any parking lot perimeter landscaping area there shall be four (4) feet minimum to all trees from the edge of paving where vehicles overhang.

Section 22-213. Interior Landscaping for Parking Lots

- a. For any parking lot containing more than 6,000 square feet of area or fifteen (15) or more spaces, interior landscaping shall be provided in addition to the previously required perimeter landscaping. Interior landscaping shall be contained in peninsulas or islands containing a minimum area of one hundred fifty-three (153) square feet having a minimum width of eight and one-half (8.5) feet and a minimum length of eighteen (18) feet. There shall be a minimum of four (4) feet to all trees from the edge of paving where vehicles overhang. The minimum landscape area permitted shall be ten (10) percent of the parking area. Each island or peninsula shall be enclosed by appropriate curbing or a similar device at least six (6) inches wide and six (6) inches in height above the paving surface.
- b. Landscape area. For each one hundred (100) square feet, or fraction thereof, of vehicular use area, five (5) square feet of landscaped area shall be provided. The interior landscaping requirement shall be computed on the basis of the "net parking facility." For the purposes of this Section, "net parking facility" shall include parking stalls, access drives, aisles, walkways, dead spaces, and required separations from structures, but shall not include required street setbacks or access driveways or walkways within such setbacks.
- d. Landscape islands or peninsulas - number required:
 - 1. One landscape island or peninsula is required for every ten (10) spaces.
 - 2. All interior parking aisles shall end in a landscape island.
- e. Maximum contiguous areas for interior parking lot landscaping. In order to encourage the required landscape areas to be properly dispensed, no required landscape area shall be larger than the following:
 - 1. 350 square feet in parking areas under 30,000 square feet.
 - 2. 1,500 square feet in parking areas over 30,000 square feet.
- f. Landscape areas larger than the above are permitted as long as the additional area is in excess of the required minimum, except that landscape areas larger than the maximum permitted may be allowed as required landscaping areas in those cases where significant natural vegetation exists. (See Section 22-212.g. above.)
- g. Minimum plant materials. A minimum of one (1) tree for each five (5) spaces of required parking. The remaining area of the required landscaped area shall be landscaped with shrubs, ground cover, lawn or additional trees.
- h. Landscaping for service structures. All service structures shall be fully screened, except when located in a single-family, agriculture, or industrial zone or when located more than thirty-five (35) feet above the established grade. Service structures in an industrial zone shall be fully screened when located within one hundred (100) feet of any zone other than industrial. For the purposes of this article, service structures shall include propane tanks, dumpsters, air conditioning units and condensers, electrical transformers and other equipment or elements providing service to a building or a site.

1. Location of screening. A continuous planting, hedge, fence, wall, or earth mound shall enclose any service structure on all sides unless such structure must be frequently moved, in which case screening on all but one (1) side is required. The average height of the screening material shall be one (1) foot more than the height of the enclosed structure, but shall not be required to exceed eight (8) feet in height. Whenever a service structure is located next to a building wall, perimeter landscaping material, or vehicular use area landscaping material, such walls or screening material may fulfill the screening requirement for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section. Whenever service structures are screened by plant material, such material may count towards the fulfillment of required interior or perimeter landscaping. No interior landscaping shall be required within an area screened for service structures.
 2. Protection of screening material. Whenever screening material is placed around any trash disposal unit or waste collection unit that is emptied or removed mechanically on a regular basis, a fixed barrier to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The barrier shall be at least 18 inches from the material and shall be of sufficient strength to prevent possible damage to the screening when the container is moved or emptied. The minimum front opening of the screening material shall be twelve (12) feet to allow service vehicles access to the container.
- i. Interior landscaping for parking areas shall be installed and continuously maintained by the owner according to the requirements contained in the landscape and land use buffer article of this ordinance.
 - j. Landscape material type and quality shall be described in detail in the landscape and land use buffer article of this ordinance.
 - k. Plan submission and approval. Whenever any property is affected by these parking area landscape requirements, the property owner or developer shall prepare a landscape plan for approval according to the requirements contained in the landscape and land use buffer article of this ordinance.
 - l. Unnecessary paving or irregular paving plans are strongly discouraged and, if incorporated in a site plan, shall be subject to approval by the Zoning Administrator.
 - m. Alternative parking area landscaping design may be considered by the permitting officials in cases where unique topography and site constraints dictate such alternative. The innovative use of planting design and materials is encouraged and will be evaluated on the intent demonstrated to fulfill the stated objectives of this ordinance.

ARTICLE XVIII SCREENING AND SHADING

Part I Buffers

Section 22-213. Purpose

- a.** One of zoning's most important functions is the division of land uses into districts which have similar character and contain compatible uses. All uses permitted in any district have generally similar nuisance characteristics. Bufferyards will operate to minimize the negative impact of any future use on neighboring uses.
- b.** The bufferyard is a combination of setback and a visual buffer or barrier and is a yard or area together with the planting required thereon. Both the amount of land and the type and amount of planting specified for each bufferyard requirement of this Ordinance are specified and are designed to protect adjacent zoning districts to ensure a desired character along public streets and roads. The planting units required of bufferyards have been calculated to ensure that they do, in fact, function as "buffers."
- c.** Bufferyards shall be required to separate different zoning districts from each other in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions. Mature woodlands are considered the best buffers and should be used whenever possible.

Section 22-214. Location of Bufferyards

Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Bufferyards shall not be located on any portion of an existing or dedicated public or private street or right-of-way. Bufferyards shall not be located within a yard required in a single family attached (townhouse) development or planned unit development.

Section 22-215. Determination of Required Bufferyard

To determine the type of bufferyard required on a parcel or between two parcels or between a parcel and a street, the following procedure shall be used:

- a.** Identify whether any portion or property line of the site constitutes a zoning district boundary. If it does, determine the zoning on both sides of the property.
- b.** Determine whether the land on the adjoining property is vacant or developed or whether a plat of the subdivision has been approved.
- c.** Classify any street adjacent to the proposed use as a local, collector, or arterial street.
- d.** Determine the bufferyard required on each boundary (or segment thereof) of the subject parcel by

referring to the Tables of Required Bufferyards.

- e. Determine if the proposed development is a use which has bufferyards required to separate that use from certain uses. Then determine the bufferyard required between such uses by referring to the Tables of Required Bufferyards.

Section 22-216. Responsibility for Bufferyards

- a. When a proposed use adjoins a vacant parcel for which a bufferyard is required by the presence of a zoning boundary, that use shall at the time of development provide one-half (0.5) of the buffer which is required by the Tables of Required Bufferyards.
- b. The second use to develop shall, at the time it develops, provide all additional plant material and/or land necessary to provide the total bufferyard required between those two (2) uses. If the adjoining use had developed without a bufferyard, the second use will be responsible for installing the total bufferyard.
- c. Existing plant material and/or land located on the preexisting (first developed) land use which meets the requirements of this Ordinance may be counted as contributing to the total bufferyard required between it and the second (adjacent) land use to develop.

Section 22-217. Tables of Required Bufferyards

Table 22-217.A BUFFERYARDS BETWEEN ADJACENT ZONING DISTRICTS									
Zone	R-1	R-2	R-3	R-4	MH-1	CC-1	CG-2	I-1	B-P
R-1	--	--	B ¹	C ¹	C	C	E	E	E
R-2	--	--	B ¹	B ¹	B	C	D	E	E
R-3	B ¹	B ¹	--	B ¹	B	C	D	E	E
R-4	C ¹	B ¹	B ¹	--	C	C	D	E	E
MH-1	C	B ¹	B	C	--	C	D	E	E
CC-1	C	C	C	C	C	--	C	B	B
CG-2	E	D	D	D	D	C	--	A	A
I-1	E	E	E	E	E	B	A	--	A
B-P	E	E	E	E	E	B	A	A	--
1 Bufferyards only required between single-family attached and multi-family and single detached homes.									
-- Indicates Bufferyards either not required or not applicable									

Table 22-217.B – REQUIRED STREET BUFFERS			
ZONING DISTRICTS	FUNCTIONAL CLASSIFICATION		
	ARTERIAL	COLLECTOR	LOCAL
R-1, R-2, R-3, R-4, MH-1	D	C	B
CC-1	A	A	A
CG-2	C	C	C

I-1. B-P	C	C	B
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Section 22-218. Bufferyard Requirements

Illustrations graphically indicating the specification of each bufferyard are contained in Appendix E.

Section 22-219. Bufferyard Use

A bufferyard may be used for passive recreation or stormwater management. It may contain pedestrian, bike, or equestrian trails provided that: (a) no plant material is eliminated, (b) the total width of the bufferyard is maintained, and (c) all other regulations of the Ordinance are met. (d) In no event, however, shall swimming pools, tennis courts or other such uses be permitted in bufferyards. The Zoning Administrator may allow substitution or reduction of the bufferyard if it finds that the required bufferyard will obstruct the view of a driver or that the bufferyard is incompatible with the existing streetscape.

Section 22-220. Ownership of Bufferyards

Bufferyards may remain in the ownership of the original developer (and assigns) of a land use, or they may be subjected to deed restrictions and subsequently be freely conveyed, or they may be transferred to any consenting grantees, such as adjoining landowners, or a homeowner's association, provided that any such conveyance adequately guarantees the protection of the bufferyards for the purposes of this Ordinance.

Part II Shading

Section 22-221. Town Findings and Declaration of Policy: Shade Trees

- a.** The Town finds that:
1. Trees are proven producers of oxygen, a necessary element for human survival,
 2. Trees appreciably reduce the ever increasing environmentally dangerous carbon dioxide content of the air and play a vital role in purifying the air we breathe,
 3. Trees transpire considerable amounts of water each day and thereby purify the air much like the air-washer devices used on commercial air conditioning systems,
 4. Trees have an important role in neutralizing waste water passing through the ground from the surface to ground water tables and lower aquifers,
 5. Trees, through their root systems, stabilize the ground water tables and play an important and effective part in soil conservation, erosion control, and flood control,
 6. Trees are an invaluable physical, aesthetic, and psychological counterpoint to the urban

setting, making urban life more comfortable by providing shade and cooling the air and land, reducing noise levels and glare, and breaking the monotony of human developments on the land, particularly parking areas, and

7. For the reasons indicated in Subdivision vi., trees have an important impact on the desirability of land and therefore on property values.
- b.** Based upon the findings set forth in Subsection a. above, the Town declares that it is not only desirable but essential to the health, safety, and welfare of all persons living or working within the Town's planning jurisdiction to protect certain existing trees and, under the circumstances set forth in this article, to require the planting of new trees in certain types of developments.

Section 22-222. Required Trees Along Dedicated Streets

Along both sides of all newly created streets that are constructed in accordance with Appendix E, the developer shall at a minimum either plant or retain sufficient trees so that between the paved portion of the street and a line running parallel to and 50 feet from the centerline of the street, there is for every 35 feet of street frontage at least an average of one deciduous tree that has or will have when fully mature a trunk at least 12 inches in diameter. When trees are planted by the developer pursuant to this section, the developer shall choose trees that meet the standards set forth in Appendix E.

Section 22-223. Shade Trees in Parking Areas

Vehicle accommodation areas that are required to be paved by Section 22-204 must be shaded by deciduous trees (either retained or planted by the developer) that have or will have when fully mature a trunk at least 12 inches in diameter. When trees are planted by the developer to satisfy the requirements of this subsection, the developer shall choose trees that meet the standards set forth in Appendix E.

ARTICLE XIX AMENDMENTS

Section 22-223. Procedure for Amendments or District Changes

With the exception of floating zone amendments this chapter may be amended by utilizing the procedures specified in Sections 22-224 through 22-228 inclusive.

Section 22-224. General

Whenever the public necessity, convenience, general welfare or good zoning practices require, the Town Council may by resolution after receipt of recommendation thereon from the Planning Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

Section 22-225. Initiation of Zoning Amendments

Amendments to this chapter or the Official Zoning Maps may be initiated (i) by resolution of the Tappahannock Town Council, or (ii) by motion of the Planning Commission or (iii) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent thereof, of the property which is subject of the proposed zoning map amendment to the Town Council.

Section 22-226. Contents of Application

- a.** Applications for amendments to the Zoning Ordinance or Official Zoning Map adopted as part of this chapter shall contain at least the following information:
 - 1.** Name, address, and phone number of the applicant;
 - 2.** Proposed amending resolution;
 - 3.** Present use;
 - 4.** Present zoning district;
 - 5.** Proposed use;
 - 6.** Proposed zoning district;
 - 7.** A vicinity map, at a scale approved by the Zoning Administrator, showing property lines, thoroughfares, existing and proposed zoning, and any such other items as the Zoning Administrator may require;
 - 8.** A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) to be rezoned and others who may have a substantial interest in the case, except that addresses need not be included where more than

ten (10) parcels are to be rezoned;

9. A fee as established by the Town Council.
- b. Applications for amendments proposing to amend, supplement, change or repeal portions of this chapter other than the Official Zoning Map shall include items 1, 2 and 9.

Section 22-227. Planning Commission Review and Recommendation

- a. Immediately after the adoption of a resolution by the Town Council or the filing of an application, said resolution or application shall be transmitted to the Planning Commission.
- b. After receipt of a resolution or application, or after adoption of its own motion, public hearing as required by Section 15.1-431 of the Code of Virginia 1950, as amended. A public hearing shall be held by the Planning Commission and Town Council jointly.
- c. Within ninety (90) days after the Planning Commission public hearing required herein, the Planning Commission shall recommend to the Town Council that the proposed zoning amendment or change be approved as presented, approved with modifications, or disapproved. The Commission shall then transmit all papers constituting the record and recommendations to the Town Council.

Section 22-228. Town Council Action

After receipt of the recommendation from the Planning Commission the Town Council shall approve as presented, approve with modifications, or disapprove the proposed zoning amendment or change, provided however, that no land may be zoned to a different classification than was contained in the public notice without an additional public hearing after notice as required by section 15.1-431 of the Code of Virginia, as amended. An affirmative vote of at least a majority of the members of the Town Council shall be required to amend this chapter. Upon approval of an amendment to the text of this chapter, such amendment shall be attached to the chapter, signed by the Mayor, and attested by the town clerk. Amendment to the Official Zoning Map shall be made in accordance with the provisions of Section 22-114.

Section 22-229. Amendments for Floating Zones

- a. Floating Zone classifications shall be reviewed under the provisions relating to Planned Developments.
- b. In order to grant a floating zone classifications the Planning Commission and Town Council shall determine that such floating classification will be compatible with the neighborhood and is consistent with the comprehensive plan.
- c. Procedures to maintain a floating rezoning once granted.
 1. Within one year of the granting of a rezoning, application for zoning permits must be filed with requisite fees paid; otherwise, such zoning shall revert automatically to its prior district

classification without notice and public hearing.

2. Within one year of the issuance of a zoning permit, construction shall be commenced on the land so zoned; otherwise, such zoning shall revert automatically to its prior district classification without notice and public hearing.
3. Within three years of the granting of a rezoning, 75 percent of the public improvements devoted to such use or uses as may be permitted in the zoning district shall be completed; otherwise, the zoning shall revert automatically to its prior district classification. The property owners have the ability to petition the Town Council for an extension.

APPENDIX A

SUMMARY OF DEVELOPMENT APPROVAL PROCESSES AND CHECKLISTS OF REQUIRED INFORMATION FOR BUILDING PERMITS AND MINOR SITE PLANS, MAJOR SITE PLANS, GENERAL DEVELOPMENT PLANS, AND PRE-APPLICATION CONCEPT PLANS

GENERAL INFORMATION

The following provides a general overview of the application requirements and review procedures contained in the Tappahannock Zoning Ordinance and Subdivision Regulations.

Types of Development Approvals

The Tappahannock Zoning Ordinance and Subdivision Regulations establish several forms of development review and approval processes. These are:

1. *Building and Zoning Permits (see Article IV)*
2. *Minor and Major Site Plans (see Article IV)*
3. *Appeals (see Article V)*
4. *Special Exceptions (see Article IV, Part II)*
5. *Variance (see Article V)*
6. *Interpretation (see Article V)*
7. *Chesapeake Bay Preservation (CBPA) Overlay District (see Article IX, Part IV)*
7. *Planned Development*
8. *Zoning Text Amendments (see Article XVIII)*
9. *Zoning Map Amendments (see Article XVIII)*
10. *Floating Zone Map Amendment (see Article IX, Part I and Article XVIII)*
11. *Subdivision Approval (see Subdivision Regulations)*

Applications Must Be Complete

All applications for zoning, special exception, sign permits, subdivision or other permits must be complete before the permit-issuing authority is required to consider the application. An application is complete when it contains all of the information that is necessary for the permit-issuing authority to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this Ordinance. The presumption established by this Ordinance is that all of the information set forth in the applicable checklist (see following) is necessary to satisfy the requirements of this section. However, it is recognized that each development is unique, and therefore the permit-issuing authority may allow less information or require more information to be submitted according to the needs of the particular case.

Approving Authority

The final authority for approval of each type of development rests with the Approving Authority. Other boards, commissions and agencies may have a role in the review and may make recommendations to the approving authority, but the final decision is made by the Approving Authority. The approving authority for each type of development approval is as follows:

<u>TYPE OF DEVELOPMENT APPROVAL</u>	<u>APPROVING AUTHORITY</u>
<i>Building and Zoning Permits</i>	Zoning Administrator
<i>Minor and Major Site Plans</i>	Zoning Administrator
<i>Appeals</i>	Board of Zoning Appeals
<i>Special Exceptions</i>	Board of Zoning Appeals
<i>Variance</i>	Board of Zoning Appeals
<i>Interpretation</i>	Board of Zoning Appeals
<i>Zoning Map amendment</i>	Town Council with recommendation of the Planning Commission
<i>Zoning Text Amendment</i>	Town Council with recommendation of the Planning Commission
<i>Floating Zone Amendment</i>	Town Council with recommendation of the Planning Commission
<i>Land Subdivision</i>	Zoning Administrator with recommendation of the Planning Commission

Time Limits for Review

From the time an application is accepted, i.e., declared complete by the approving authority and accepted for review, there is a time limit set for most review steps. In general they are as follows:

<u>TYPE OF DEVELOPMENT APPROVAL</u>	<u>TIME LIMIT FOR REVIEW/DECISION</u>
<i>Building and Zoning Permits</i>	90 days
<i>Minor and Major Site Plans</i>	90 days
<i>Appeals</i>	60 days
<i>Variance</i>	60 days
<i>Special Exceptions</i>	
- Planning Commission recommendation	30 days following regular meeting
- Board of Appeals decision	60 days
<i>Interpretation</i>	60 days
<i>Zoning Map Amendment</i>	
- Planning staff review	60 days
- Planning Commission recommendation	60 days following public hearing
- Town Council public hearing	60 days following receipt of Planning Commission recommendation, if required.
- Town Council decision	No time limit
<i>Zoning Text Amendment</i>	
- Planning staff review	60 days
- Planning Commission recommendation	90 days following public hearing
- Town Council public hearing	60 days following receipt of Planning Commission recommendation if required.
- Town Council decision	No time limit

<u>TYPE OF DEVELOPMENT APPROVAL</u>	<u>TIME LIMIT FOR REVIEW/DECISION</u>
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Floating Zone Amendment

- | | |
|--------------------------------------|---|
| - Planning staff review | 60 days |
| - Planning Commission recommendation | 90 days following public hearing |
| - Town Council public hearing | 60 days following receipt of Planning Commission recommendation |
| - Town Council Decision | No time limit |

Land Subdivision

- | | |
|--------------------|--|
| - Preliminary Plat | 90 days following Planning Commission recommendation |
| - Final Plat | 90 days following Planning Commission recommendation |

Permit Expiration

Each type of development approval expires at some point after it is issued if the proposed development is not completed. These expiration periods are as follows:

<u>TYPE OF DEVELOPMENT APPROVAL</u>	<u>EXPIRATION OF PERMIT APPROVAL</u>
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- | | |
|--|-----------|
| <i>Building, Sign and Zoning Permits</i> | 12 months |
| <i>Minor and Major Site Plans</i> | 12 months |
| <i>Special Exceptions</i> | 12 months |
| <i>Floating Zone Amendment</i> | 36 months |
| <i>Subdivision, Preliminary Plat</i> | 24 months |

DEVELOPMENT APPROVAL/PERMIT REQUIREMENTS

Zoning and Building Permits

No building or other structure shall be erected, nor shall any existing building or structure be moved, added to, enlarged, or structurally altered, and no excavation for any building or other structure shall begin without the issuance of a Building Permit therefor by the Zoning Administrator.

No building, or other structure, or land shall be used, nor shall any building, structure, or land be converted, wholly or in part, to any other use, except for a single-family dwelling, agricultural purposes, accessory uses, or home occupations permitted under the provisions of this Ordinance, until a Zoning Permit, certifying compliance with these regulations, has been issued by the Zoning Administrator.

Site Plans

Minor Site Plan

A minor site plan shall be filed with a building permit for a single-family dwelling, a duplex, a residence with an accessory apartment, any accessory building, an addition or change of a commercial or industrial structure, or for a special exception use which does not require a building permit.

Major Site Plan

All applications for building permits, other than those accompanied by a minor site plan, or those that are considered minor or major subdivisions, shall be accompanied by a major site plan.

General Development Plan (GDP)

A General Development Plan (GDP) is a site plan by which, at the early stages of development design, the Planning Commission may consider, approve, or restrict major aspects of the development without requiring an undue amount of final design work on the part of the developer. The General Development Plan is less detailed and specific than a major site plan in terms of exact arrangement of buildings, parking areas, open spaces, access points, and any other site design features. No building permits can be issued based upon a General Development Plan.

General Development Plans are required:

1. With all applications for zoning map amendments.
2. To permit more than one principal structure and its accessory structures on a lot or parcel of land.
3. To approve floating zone applications for RMX or B-P planned developments or major subdivisions of at least fifty (50) acres containing a minimum of 100 dwelling units or 40,000 square feet of non-residential building area shall divide preliminary approval into two phases: Phase One -- General Development Plan; Phase Two -- Preliminary Site Plan or Plat Approval.

Subdivision Plat

If the development approval involves the subdivision of land, an approved subdivision plat is required as provided in Subdivision Regulations. In general, subdivision is defined as the division of a tract of land into

two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future). The Subdivision Regulations provide for an abbreviated process for minor subdivision. Minor subdivision is defined as a subdivision that does not involve any of the following:

1. the creation of more than a total of three lots;
2. the creation of any new public streets,
3. the extension of a public water or sewer systems, or
4. the installation of drainage improvements through one or more lots to serve one or more other lots..

Major Subdivision is any subdivision other than a minor subdivision.

APPROVAL PROCEDURE

Building and Zoning Permit Procedure

1. Applicant submits plans and information listed on Building Permit and Minor Site Plan Checklist along with the owner's signature of authorization.
2. Zoning Administrator review.
3. Application either "Approved" or "Disapproved" by Zoning Administrator not later than 90 days after receipt of the site plan.

Minor and Major Site Plan Review Procedure

1. Applicant submits such plans and information listed in the attached Building Permit and Minor Site Plan or Site Plan Checklist along with the owner's signature of authorization.
2. Zoning Administrator review.
3. Application either "Approved" or "Disapproved" by Zoning Administrator not later than 90 days after receipt of the site plan.

Special Exception Application Procedure

1. Application for special exception accompanied by such plans and/or data as necessary, including a statement in writing by the applicant and adequate evidence showing that the proposed use will conform to the standards set forth in the Zoning Ordinance filed with the Zoning Administrator.
2. Application forwarded from the Zoning Administrator to the Board of Zoning Appeals for review and decision within seven (7) days.
3. Board of Zoning Appeals renders decision on application within 60 days of receipt of application from the Zoning Administrator.
4. Preliminary or final site plan for building permit submitted to Zoning Administrator.

Appeals, Variance, and Interpretations Application Procedure

1. Appeals, variance or interpretation application filed with the Zoning Administrator accompanied by such plans and/or data as necessary, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed use will conform to the standards set forth in the Zoning Ordinance.

2. Application forwarded from the Zoning Administrator to the Board of Zoning Appeals for review and decision within 45 days of receipt of the application by the Zoning Administrator.
3. Board of Zoning Appeals shall, within 60 days of receipt of application from the Zoning Administrator, render a decision on the application.

Zoning Amendment Procedures

Zoning Text Amendments and Zoning Map Amendments

1. Applicant files a Zoning Amendment Petition with the Zoning Administrator.
2. Upon determination by the Zoning Administrator that the application is complete it is submitted for comment and review to appropriate Town, county, and state departments and agencies.
3. Upon such administrative review (to be completed within sixty (60) days from submission by the Zoning Administrator) the application is submitted to the Planning Commission.
4. Within thirty (30) days after receipt the Planning Commission conducts a public hearing regarding the proposed amendment.
5. Within sixty (60) days from the Planning Commission's final hearing on the application, the Planning Commission transmits the application to the Town Council together with its recommendations for approval or disapproval.
6. Town Council holds a public hearing on the application within thirty (30) days after receipt of the Planning Commission's recommendation.
7. Town Council decision.

Floating Zone Map Amendment

1. Preliminary application made to the Town Council.
2. Referred to the Planning Commission for stage one (General Development Plan) consideration of the zone amendment.
3. Planning Commission makes its findings and recommendation to Town Council.
4. Application forwarded to the Town Council for consideration.
5. If the Council finds that the proposal has merit, it will be conditionally approved.
6. Developer submits preliminary site plan or subdivision plat after conditional approval from the Town Council.
7. The Zoning Administrator reviews the site plan or plat for compliance with the requirements of this Ordinance and the Subdivision Regulations.

8. Planning Commission public hearing on the proposed floating zone.
9. Planning Commission recommendations to the Zoning Administrator on zoning and the site plan or subdivision plat.
10. Zoning Administrator returns the site plan or subdivision plat, together with his comments and recommendations to the Town Council.
11. The Town Council reviews the final preliminary site plan or subdivision plat and other documents.
12. The Town Council holds public hearing on floating zone.
13. The Town Council approves or disapproves the proposed floating zone.
14. Final site plan or subdivision plat prepared in accordance with the GDP, filed, and recorded.

Subdivision Approval Procedure

Minor Subdivision

1. Applicant for minor subdivision plat approval submits a sketch plan to the Administrator for a determination of whether the application should be processed as a minor subdivision.
2. Applicant submits to the Zoning Administrator a minor subdivision plat conforming to the requirements Appendix A.
3. The Administrator approves or disapproves plat.
4. Plat recorded within 180 days after the date the Certificate of Approval is signed by the Administrator.

Major Subdivision- Preliminary Plat

1. Applicant submits rough sketch of the proposal and meet with the Administrator to discuss the proposed subdivision.
2. Applicant files a completed application form, filing fee, and copies of the plan as follows:
 - a. 16 paper prints (folded to 9 x 12) of Preliminary Subdivision Plat
 - b. Completed and signed Preliminary Subdivision Plat Application
 - c. Completed and signed Preliminary Subdivision Plat Checklist.
3. Preliminary acceptance and review by the Administrator
4. The Administrator and concerned agencies review the preliminary plats.
5. Preliminary subdivision plats revised as per review agencies' comments.
6. Agency review of revised plat.

7. Planning Commission review and recommendations.
8. Preliminary plats approved, conditionally approved, or disapproved.
9. Developer makes any required additions or corrections to the preliminary plat and submit copies to the Zoning Administrator for certification within one (1) year of the date of Administrator approval.

Major Subdivision- Improvement Plan

1. Developer files the required copies of the improvement plan.
2. Administrator and/or other agencies review the proposed improvement plan.
3. Upon approval of the improvement plan, the Town issues a subdivision improvement permit to the developer.

Major Subdivision- Final Plat

1. Final Subdivision Plat submitted.
2. Review and recommendations by the Planning Commission.
3. Administrator reviews the Planning Commission's recommendations and then act for approval, conditional approval with conditions noted, postponement, or disapproval.
4. Approved final plat is recorded within 80 days after the approval.

APPENDIX B**SPECIFICATIONS ON DRIVEWAY ENTRANCES**

The Town incorporates by reference the driveway specifications of the Virginia Department of Transportation.

APPENDIX D VEHICLE ACCOMMODATION AREA SURFACES

The Town specifications for vehicle accommodation area surfaces in the Town Road Ordinance shall be as follows, at a minimum:

1. Compacted sub-base with minimum CBR-20 (no top soil).
2. A minimum of 6 inch aggregate base material Type 1 or Type 2.
3. Hot mix Type SM-2 at 165 lbs. per square yard.
4. All materials to be placed in accordance with the Virginia Department of Transportation Road and Bridge Specifications, January 1991.

APPENDIX E Bufferyard Requirements

E-1: Bufferyard Specifications

The following illustrations graphically indicate the specifications of each bufferyard. Bufferyard requirements are stated in terms of the width of the bufferyard and the number of plant units required per one hundred (100) linear feet of bufferyard. The requirements of a bufferyard may be satisfied by any of the options thereof illustrated. The "plant unit multiplier" is a factor by which the basic number of plant materials required for a given bufferyard is determined given a change in the width of that yard. The type and quantity of plant materials required by each bufferyard, and each bufferyard option, are specified in this section. Only those plant materials capable of fulfilling the intended function shall satisfy the requirements of this ordinance.

The options within any bufferyard are designed to be equivalent in terms of their effectiveness in eliminating the impact of adjoining uses. Cost equivalence between options was attempted where possible. Generally, the plant materials which are identified as acceptable are determined by the type(s) of soil present on the site. The following illustrations have mathematically rounded the number of plant units required for each option within a given bufferyard. In actual practice, mathematical rounding would be applied to the total amount of plant material required by a bufferyard, not to each one hundred (100) foot length of bufferyard. All of the following illustrations are drawn to scale and depict the bufferyard according to the average projected diameter of plant materials at five (5) years after planting.

Each illustration depicts the total bufferyard located between two uses.

Whenever a wall, fence, or berm is required within a bufferyard, these are shown as "structure required" in the following illustrations, wherein their respective specifications are also shown. All required structures shall be the responsibility of the higher intensity use. Whenever a wall is required in addition to a berm, the wall shall be located between the berm and the higher intensity use, in order to provide maximum sound absorption.

E-2: Plant Material

The following plant material substitutions shall satisfy the requirements of this section.

- (1) In bufferyards C, D, and E evergreen canopy or evergreen understory trees may be substituted for deciduous canopy forest trees without limitation.
- (2) In bufferyards A and B evergreen canopy or evergreen understory trees may be substituted as follows:
 - (a) In the case of deciduous canopy forest trees, up to a maximum of fifty (50) percent of the total number of the deciduous canopy trees otherwise required.
 - (b) In the case of deciduous understory, without limitation.
- (3) In all bufferyards, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitation.
- (4) In all bufferyards required of public service uses, the public service use may substitute evergreen canopy or evergreen understory plant materials for canopy forest trees and

understory plant materials, without limitation.

If the development on the adjoining use is existing, planned, or deed-restricted for solar access, understory trees may be substituted for canopy trees where canopy trees would destroy solar access.

Any existing plant material which otherwise satisfies the requirements of this section may be counted toward satisfying all such requirements.

The exact placement of required plants and structures shall be the decision of each user except that the following requirements shall be satisfied:

- (1) Evergreen (or conifer) class III and IV plant materials shall be planted in clusters rather than singly in order to maximize their chances of survival.
- (2) Berms with masonry walls (BW₁, BW₂, and BW₃) required of bufferyard D and E options are intended to buffer more significant nuisances from adjacent uses and, additionally, to break up and absorb noise, which is achieved by the varied heights of plant materials between the masonry wall and the noise source.
 - (a) When berms with walls are required, the masonry wall shall be closer than the berm to the higher intensity use.
 - (b) Within a bufferyard, a planting area at least five (5) feet wide containing fifteen (15) percent of the total plant requirements (based on the multiplier = 1) shall be located between the masonry wall and the higher intensity class use. These plants shall be chosen to provide species and sizes to reduce noise in conjunction with the wall.

All bufferyard areas shall be seeded with lawn unless ground cover is already established.

E-3: Structures

The following structures are equivalent and may be used interchangeably, so long as both structures are specified in the bufferyard illustrations in this section.

Structure	Equivalent Structure
F ₃	B ₁
F ₄	B ₂
F ₅	B ₃
F ₆	BW ₁
B ₁	F ₃
B ₂	F ₄
B ₃	F ₅
BW ₁	F ₆

APPENDIX G ARCHITECTURAL REVIEW GUIDELINES

The compatible relationship of architecture along U.S. 17 is of public concern. The intent of the architectural review is not to stifle innovative architectural design but to assure respect for, and reduce incompatible and adverse impacts on, the visual experience from the roadway. To accomplish this, the Planning Commission shall use the following guidelines in reviewing proposed structures, site improvements, signs, and streetscape improvements:

- 1.** Proposed development shall avoid excessive or unsightly grading, indiscriminate earth moving or clearing of property, and removal of trees and vegetation that could cause disruption of natural water courses or disfigure natural land forms.
- 2.** Proposed development shall be located and configured in a visually harmonious manner with the terrain and vegetation of the parcel and surrounding parcels. Structures shall impede, as little as reasonably practical, scenic views from the main road or from existing structures and the natural environment. Structures shall not dominate, by excessive or inappropriate height or mass, any general development, adjacent building, or natural landscape in an incompatible manner.
- 3.** The architectural design of structures and their materials and colors shall be visually harmonious with the overall appearance, history, and cultural heritage of the Town, with natural land forms and existing vegetation and with other development plans approved by the Town. Specific consideration shall be given to compatibility with adjacent properties where such projects demonstrate the Town's character.
 - (a)** Large work area doors or open bays shall not open toward or face the highway.
 - (b)** Heating, ventilating, and air conditioning equipment, duct work, air compressors, other fixed operating machinery shall be either screened from view or located so that such items are not visible from the highway. Large trash receptacles, dumpsters, utility meters, above-ground tanks, satellite dishes, antennas, etc., shall be similarly treated, as practicably as possible.
 - (c)** All development, including those in which the principal facade is oriented to the interior of the lot, shall be designed so that all facades visible from the roadway or from adjacent sites shall be completed in an aesthetically pleasing manner.
 - (d)** No temporary structures are permitted except those used in conjunction with and during construction projects.
 - (e)** Fencing along the highway right-of-way is discouraged, but, if used, such fencing shall be of quality materials (brick, stone, wood) and shall be landscaped to minimize visibility from the highway.
 - (f)** Long monotonous facade designs including, but not limited to, those characterized by unrelieved repetition of shape or form or by unbroken extension of line shall be avoided.
 - (g)** Materials with similar texture and appearance as appropriate to the Town's

character.

- (h) Generally, no more than three colors per building should be used. Semi-transparent stains are recommended for application on natural wood finishes.
 - (i) The location and dimensions of wall signs shall be indicated and shall maintain compatibility with architectural features of the building.
 - (j) Architectural lighting shall be recessed under roof overhangs or generated from concealed source, low level light fixtures.
 - (k) Building massing should reflect proportion and scale appropriate to the existing Town design.
- 4. The landscape plans for the proposed development shall provide visually harmonious and compatible setting for structures on the same lot and on adjoining or nearby lots and shall blend with the surrounding landscape. Natural appearing landscape forms are strongly encouraged; formal plans and the appearance of straight hedges are discouraged. Landscaping shall be required between buildings and sidewalks, parking lots and driveways. The scale of the proposed landscaping shall be in proportion to the building.
- 5. Site lighting shall be of low-intensity from a concealed source, shall be of a clear white light that does not distort colors, and shall not spill over into adjoining properties, buffers, roadways, or in any way interfere with the vision of on-coming motorists.
- 6. To the extent that they relate to aesthetic considerations, the design and construction techniques of the proposed development shall respond to energy consumption and environmental quality considerations such as heat loss, heat gain, air emission, and runoff water quality.
- 7. Streetscape Improvements and External Changes.
 - (a) Streetscape improvements include those architectural or functional facilities or structures that occur on site but are not part of the building and that encourage and facilitate human interaction with the environment. Examples include, but are not limited to the following: decorative light fixtures, fountains, sculpture, benches and tables, planters, retaining walls, pedestrian and bicycle paths, bicycle parking structure, trash receptacles and enclosures, vendor areas, bollards, and fences. These improvements shall be designed to be consistent with all guidelines listed above, and shall be reviewed for aesthetic functionality and compatibility with the Town's character.
 - (b) Decorative, low-level intensity, non-concealed source lighting that defines vehicular and/or pedestrian ways may be acceptable if part of a lighting master plan. It is strongly discouraged as general lighting for a development. The master plan must show the relationship of the fixtures and the light patterns to each other, to the project site, to unit development, and to the U.S. 17 corridor.
 - (c) External changes to streetscape improvements and existing structures and sites subject to review by the Planning Commission shall be consistent with all

guidelines and standards in this section. External changes of a minor nature include external color and structural material changes, parking lot additions and alterations, relocation of accessory structures, and similar minor changes as determined by the Zoning Administrator. Some minor external changes may also require development plan approval (see Article IV).

8. Signs, permanent.

- (a)** Applicants for new or replacement signs in the Highway Corridor Overlay District shall apply to the Planning Commission for review at the time of full development review or as a separate application.
- (b)** The Planning Commission is hereby authorized to approve or disapprove the appearance of features of such proposed signs and the Zoning Administrator's approval shall be given only after the Commission's approval is granted.
- (c)** All signs shall meet all requirements of Article XVI.
- (d)** The amount of information on signs shall be no more than is necessary to provide reasonable identification of the name of the business to the passerby. While corporate logos that are part of a business name or business identification are authorized within Article XVI, color, size, and subject matter are reviewed under subsection (a).
- (e)** An integrated sign system design shall be required for all new Planned Developments (PDs), commercial and residential subdivisions, office complexes, and shopping centers within the Highway Corridor District. The establishment of integrated sign systems for existing developments is strongly encouraged. These systems shall be reviewed for materials, colors, shapes, sizes, compatibility with architecture, and establishment of unity of design for the development. Individual signs shall be reviewed for conformance with such sign systems, whether newly established or existing.
- (f)** Materials, colors, and shapes of proposed signs shall be compatible with the related building(s). Size and proportions shall not be a dominant feature of the site and shall be judged by sizes and proportions of signs on adjacent and nearby properties that are compatible with the Town's character.
- (g)** Spot-lighting of signs shall be restricted to not more than one 150-watt light per side for sign faces up to 40 square feet and nor more than two 15-watt lights per sign faces over 40 square feet. The sign base and/or proposed landscaping shall be designed to shield the light from on-coming motorists and to conceal the light fixture.

9. Signs, temporary.

- (a)** Temporary signs within the Highway Corridor Overlay District shall comply with the design guidelines set forth in this section for colors and materials and with Article XVI and shall be reviewed for such compliance by the Zoning Administrator.

(b) In the case of multiple principals (for example, owner, developer, architect, engineer, contractor, or real estate or leasing agent), all information shall be contained on a single sign not to exceed the maximum size and height allowed in Article XVI.

(c) Temporary signs within the corridor shall not be lighted.

b. Following project completion, all design features required by the Town or shown on approved plans shall be maintained in good condition by all subsequent owners of the property. Changes proposed shall require approval by the Planning Commission.

APPENDIX H

LIGHTING STANDARDS GUIDELINES

Purpose. The purpose of these guidelines is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the proximity of the light source. With respect to motor vehicles in particular, safety considerations are the basis of the regulations contained herein. In other cases, both the nuisance and hazard aspects of glare are regulated. This section is not intended to apply to public street lighting.

Proposed site lighting, other than street lights, should comply with the following guidelines:

1. Site lighting shall be of low-intensity from a concealed source, shall be of a clear white light which does not distort colors and shall not spill over into adjoining properties, buffers, roadways, or in any way interfere with the vision of oncoming motorists.
2. The following standards are expected of all exterior lighting except the outdoor recreational uses specifically exempted below. Many uses have the option of providing a lower light post with a no-cutoff luminaire or a higher pole, up to sixty (60) feet, with a luminaire that totally cuts off light spill-over at a cutoff angle smaller than ninety (90) degrees.

The maximum light post height permitted is dependent on the amount of cutoff provided. This is designed as a protection against excessive glare and light spilling over to neighboring properties. The exceptions which are permitted provide adequate protection for neighboring residential property.

3. Exterior lighting shall meet one (1) of the following standards:

a. When light source or luminaire has no cutoff:	
Standard	Maximum permitted height of luminaire
Residential parking lots	12 feet
Non-residential parking lots	20 feet

An illustration of this type of luminaire is shown below.

Commentary: Exterior lighting fixtures frequently produce unsightly glare. At times, the glare may even result in a safety hazard. The standards imposed by this section are designed to reduce the hazard and nuisance of these fixtures.

- b.** When a luminaire has total cutoff of light at an angle less than ninety (90) degrees and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five (5) feet above the ground at the point where the cutoff angle intersects the ground, then the maximum permitted illumination and the maximum permitted height of the luminaire shall be:

Standard	Maximum permitted height of post
Residential parking areas	20 feet
Non-residential parking areas	30 feet
Street lights	per requirement of the Town Public Works Dept.

An illustration of this type of luminaire is provided below.

Commentary: This type of light fixture may be taller and provide greater illumination at the property line than the other two (2) types specified above, because the design of this fixture insures that its light source will not be directly visible off-site.

- c.** Exemption for specified outdoor recreational uses. Because of their unique requirements for nighttime visibility and their limited hours of operation, ball diamonds, playing fields, and tennis courts are exempted from the exterior lighting standards of Section b. above upon satisfying the Planning Commission during a site plan review that the site plan indicates that these outdoor recreational uses meet all other requirements of this section and of this Ordinance and the following conditions:
- (1)** The outdoor recreational uses specified above shall not exceed a maximum permitted post height of forty (40) feet.
 - (2)** The outdoor recreational uses specified above may exceed a total cutoff angle of ninety (90) degrees, provided that the luminaire is shielded in either its orientation or by a landscaped bufferyard to prevent light and glare spill-over to adjacent residential property. The maximum permitted illumination at the interior bufferyard line shall not exceed two (2) footcandles.
- 4.** Additional requirements. Notwithstanding any other provision of this section to the contrary:
- a.** No flickering or flashing lights will be permitted.
 - b.** Light sources or luminaires shall not be located within bufferyard areas except on pedestrian walkways.
- 5.** Exterior lighting plan. At the time any exterior light is installed or substantially modified, and whenever a zoning certificate is sought, an exterior lighting plan will be submitted to the Town in order to determine whether the requirements of this section have been adhered to and that adjoining

property will not be adversely impacted by the proposed lighting.

Illustration